

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-
6 LINDA O'CONNOR and DEAN SACCO.

7 -----
8 TRANSCRIPT OF JURY TRIAL
9 held in and for the United States District Court,
10 Northern District of New York, at the Federal Building and
11 Courthouse, 15 Henry Street, Binghamton, New York, on
12 THURSDAY, May 15, 2008, before the HON. THOMAS J. McAVOY,
13 Senior United States District Court Judge, PRESIDING.
14 APPEARANCES:
15 FOR THE GOVERNMENT:
16 UNITED STATES ATTORNEY'S OFFICE
17 BY: MIROSLAV LOVRIC, AUSA
18 Binghamton, New York
19 FOR THE DEFENDANT O'CONNOR:
20 FEDERAL PUBLIC DEFENDER'S OFFICE
21 BY: LISA PEEBLES, AFPD
22 Syracuse, New York
23 FOR THE DEFENDANT SACCO:
24 KELLY FISCHER, ESQ.
25 Binghamton, New York

1 (In open court)

2 THE COURT: What do you got, Mr. Fischer?

3 MISS PEEBLES: Can we have a side-bar before
4 we call the jury?

5 (At the bench)

6 MISS PEEBLES: I would like the Court to
7 inquire with one of the jurors, I believe it's juror number
8, the social worker.

9 THE COURT: Oh, yeah.

10 MISS PEEBLES: I would like you to ask, if you
11 would please, whether she recognizes Liz from any training
12 sessions they've been at or anything of that nature. I
13 noticed an awful lot of eye contact, like some familiarity
14 between the two of them yesterday, and I'm a little concerned
15 about that, Judge. She may not have even recognized her
16 until she took the stand. If you could just inquire if she's
17 seen her before or had any interaction with her.

18 THE COURT: Well, she did say that -- I think
19 I remember back in voir dire that she said she had gone to
20 training sessions before she actually went on the job or
21 maybe even after but that there were people there she didn't
22 know their names. Isn't that what she said?

23 MISS PEEBLES: I really don't recall. No, I
24 do think she said that I think maybe now she knows her.
25 That's a concern. I would -- I would ask if the Court would

1 mind inquiring about that.

2 THE COURT: Supposing she says, yeah, I know
3 her; what do we do, make an application to excuse her, move
4 for mistrial?

5 MISS PEEBLES: Not move for mistrial, but I
6 would ask the Court to excuse her and replace her with an
7 alternate.

8 THE COURT: What's the government going to say
9 about that?

10 MR. LOVRIC: No, Judge. This is no different
11 than a juror that says, I know of somebody, I know somebody,
12 and then they ask them the question, is that going to affect
13 anyway your abilities to judge this case on the facts, the
14 evidence? And then you evaluate if the juror says no,
15 especially since I don't know this person other than I've
16 seen them around versus, well, if they say, we go out to
17 dinner twice a week, three times, and then you evaluate that.
18 If the juror says, let me just add -- my recollection of this
19 juror at voir dire was, and she gave us very honestly, a very
20 complete, detailed information about her background and her
21 background I believe in Ulster County and working through DSS
22 departments and other departments, and if she says -- and
23 these are all ifs -- if she says, I might have seen them at a
24 conference but other than that, I don't know them,
25 interact --

1 THE COURT: Let's find out. It's funny, I
2 noticed the same thing you did, but my mind worked
3 differently because I remember how she gave us the list of
4 professional background which she's done and my mind was
5 starting to say, this lady is really scrutinizing this
6 woman's testimony based on her background. That's what I was
7 thinking.

10 THE COURT: It's a double-edged sword.
11 Believe me.

12 | MISS PEEBLES: I know.

13 THE COURT: Depends on how the lady, everybody
14 and these jurors, and if you've got somebody who knows how
15 DSS works, if I were in your position, I'd want them on too.

16 MR. LOVRIC: It's like having a lawyer or a
17 judge on the jury. It can be good.

18 MISS PEEBLES: I just want to make sure she
19 doesn't have any personal connection.

20 THE COURT: Do you want to do it with all of
21 them present?

24 THE COURT: We've got to have a record.

25 MISS PEEBLES: Yeah. Yes, we have to have a

1 record.

2 MR. LOVRIC: I would suggest it differently.

3 THE COURT: What would you suggest?

4 MR. FISCHER: I concur we could do it
5 differently. The defendants can waive their right to be
6 present at the time. We've all -- all three of us have
7 absolute confidence in your ability to speak with her in
8 camera essentially. On Mr. Sacco's behalf I have no
9 objection at all to that procedure.

10 MISS PEEBLES: I would agree, Judge.

11 MR. LOVRIC: I would suggest, Judge, maybe you
12 ask her to step in the hallway from out there, have the
13 stenographer with you and just ask out of the others'
14 presence and out of our presence. If she says, I don't know
15 them, I've never seen them, then that's the end of the story.

16 THE COURT: Let's do that.

17 (In vestibule)

18 THE COURT: Good morning, how are you? State
19 your name for the record.

20 JUROR GREENE: Susan Greene.

21 THE COURT: The counsel wanted me to ask you
22 just to see what you'd say. Did you ever know Liz Chesebro?

23 JUROR GREENE: No.

24 THE COURT: Never had a training session with
25 her?

1 JUROR GREENE: No. No, I've never seen her.

2 THE COURT: This is the first time you saw her
3 when she walked into courtroom?

4 JUROR GREENE: Yes.

5 THE COURT: Have a nice day.

6 (In open court)

7 (Jury present)

8 THE COURT: Morning, ladies and gentlemen.
9 I'd like to start you out with a happy thought today. How's
10 that for a change. There won't be any court tomorrow. And
11 also Monday morning we'll be not here, but Monday afternoon
12 at 1:30 we'll begin again and go to the end, so that's --
13 it's unavoidable. I'd be here if I could. I can't so I
14 won't.

15 Mr. Lovric.

16 MR. LOVRIC: Thank you, Judge.

17 REDIRECT EXAMINATION CONTINUED

18 BY MR. LOVRIC:

19 Q Miss Chesebro, I want to continue with the
20 follow-up questions I had for you yesterday when we finished
21 at 5 PM. And the first follow-up question that I'd like to
22 talk with you about, yesterday afternoon Mr. Fischer asked
23 and talked to you about a progress note entry that you made
24 in your reports dated March 1 of 2007 regarding Shannon and
25 Linda O'Connor. Do you recall that progress note that date?

Elizabeth Chesebro - Redirect

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1 A Yes, I do recall that.

2 Q And could you read that progress note again.

3 A "PC, phone call, from Christen Crandall, CCMH,
4 Chenango County Mental Health. She spoke with Shannon's
5 teacher this morning. Earlier in the week Shannon had to
6 leave the classroom because she felt like she was going to
7 throw up. She then later reported to the guidance counselor
8 she didn't know if she was going to throw up or cry. The
9 emotions and physical response were in fear of her mom. I
10 told Christen that Shannon had reported this to me as well.
11 The teacher also said that Shannon had been unfocused at
12 beginning of week but now appears to be better able to
13 concentrate. End of note."

14 Q Okay. Now this is on March 1 --

15 A Yes.

16 Q -- of 2007. Yes. This is the date before Shannon
17 reveals to you and to the teacher and counselor about being
18 raped by Mr. Sacco?

19 A Yes.

20 Q Now, yesterday Mr. Fischer talked with you about
21 Shannon's father, Ray, Ray O'Connor, do you recall that?

22 A Yes.

23 Q And then Miss Peebles also talked to you about Ray
24 O'Connor and his submission of some type of application to
25 the Family Court in connection with his paternal rights. Do

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1 you recall that?

2 A Yes.

3 Q Now who is Ray O'Connor?

4 A He is Linda's husband.

5 Q How did you know that?

6 A She provided me that information. He's also listed
7 as Shannon's father on her birth certificate.8 Q Okay. When you say she, you mean who? She
9 provided it, who?

10 A Linda.

11 Q Linda O'Connor?

12 A Yes.

13 Q And did you ever have any discussions with Linda
14 O'Connor about how it is that she knew or met Ray O'Connor?

15 A Yes, I did.

16 Q What did she tell you?

17 A She told me she had been in a relationship with
18 someone that Mr. -- Mr. O'Connor knew from prison and that
19 when their relationship ended, Ray kind of consoled her and
20 helped her through that healing process and then they became
21 in a relationship.22 Q Did Linda O'Connor tell you whether she met Ray in
23 prison or out of prison?

24 A My understanding was she met him in prison.

25 Q So Ray O'Connor was in prison at the time?

Elizabeth Chesebro - Redirect

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1 A Correct.

2 Q Did you ever learn what he was in prison for?

3 A Yes.

4 Q What was that?

5 A Murder.

6 Q Did you have any idea what sentence he was serving,
7 what kind of sentence, length of sentence?8 A If I recall, it was a possible life sentence, but
9 he did face the Parole Board.10 Q And Linda O'Connor in so many words told you that
11 she met Ray O'Connor while Ray O'Connor was in prison?

12 A Yes.

13 Q And did you ever have any discussions with Linda
14 O'Connor whether or not Ray O'Connor was actually Shannon's
15 father?

16 A Yes, I did.

17 Q And what did Linda O'Connor tell you about that?

18 A There were times when she said he was her
19 biological father and there were also times she said he was
20 not her biological father.21 Q Did Linda O'Connor ever expand on whether or not
22 someone other than Ray O'Connor was actually Shannon's
23 father?

24 A Yes.

25 Q What did she tell you about that?

Elizabeth Chesebro - Redirect

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1 A On at least one occasion she told me it was
2 possibly a man from Elmira that was her father. She didn't
3 provide any details other than he was from Elmira and he had
4 two daughters.

5 Q Did she ever tell you this person's name?

6 A No, she wouldn't provide that to me.

7 Q Did you ask her?

8 A Yes.

9 Q She just wouldn't give it to you?

10 A Correct.

11 Q Why not?

12 A I don't know.

13 Q Did she ever give you this person's name from
14 Elmira?

15 A No.

16 Q And you directly asked for that from her?

17 A Yes.

18 Q Now, yesterday Miss Peebles talked to you about Ray
19 O'Connor petitioning the Family Court at some point regarding
20 parental rights for Shannon. About when is this taking place
21 in Family Court, just a general time frame?

22 A I believe it was in the spring of '07.

23 Q Okay.

24 A After Shannon entered foster care.

25 Q Okay. And at that time Ray O'Connor is where?

Elizabeth Chesebro - Redirect

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1 A In prison.

2 Q Still in prison?

3 A Yes.

4 Q And did you know why it was that Ray O'Connor was
5 submitting some kind of an application to the court as far as
6 parental rights?

7 A I never had that conversation with him.

8 Q Okay. Now, were you aware whether or not Ray
9 O'Connor at the time, around the time he was submitting this
10 application to the court, Family Court, whether or not he was
11 coming up for a parole hearing?

12 A Yes, he was.

13 Q Did that coincide fairly around the time that he
14 was going before the Parole Board?15 A The petition was submitted prior to that, a few
16 months prior.17 Q Okay. As of today's date, do you know where Ray
18 O'Connor is?

19 A He remains in prison, to my knowledge.

20 Q And when Ray O'Connor submitted this petition to
21 the court, did you find that unusual or usual?

22 A I found it very unusual.

23 Q Why is that?

24 A Because he'd written several letters to the court
25 as well as outside persons declaring that Shannon was not his

Elizabeth Chesebro - Redirect

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1 child. He cared nothing to have any rights or say in the
2 future of her life. They were very degrading letters. So it
3 was a major shock to hear all of a sudden he wanted custody
4 and visitation with her.

5 Q Okay. And this application by him was close to the
6 time that he was going to go up before the Parole Board?

7 A Yes.

8 Q Now, did you ever discuss with Linda O'Connor Ray
9 O'Connor's steps to file this petition in Family Court?

10 A No, I did not.

11 Q Did she ever disclose or tell you anything about
12 what or why Ray O'Connor might be submitting this to the
13 court?

14 A I do recall at one point she told me that he --
15 well, he had had written her a letter, Shannon a letter and
16 sent it to Linda. The department did not feel it was in
17 Shannon's best interest to read the letter and I told Linda I
18 did not approve of her reading the letter to Shannon, and
19 Shannon -- or, I'm sorry, Linda told me she was going to have
20 the judge decide that, and it was shortly after that the
21 petition was filed.

22 Q Okay. Now, whatever became of Ray O'Connor's
23 petition to the court, Family Court petition that he wanted
24 some kind of parental rights exercised? Whatever became of
25 that?

Elizabeth Chesebro - Redirect

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1 A He was granted mail contact. He was supposed to
2 send letters to me at the Department of Social Services and
3 then I would forward them to her mental health counselor at
4 that time, whatever location she was in, and then the mental
5 health counselor was to screen the letters to see if they
6 were appropriate for Shannon in all or in part, and he did
7 not act on the judge's allowing that.

8 Q After doing all that Ray O'Connor never took
9 advantage of commencing communications with Shannon?

10 A Correct.

11 Q And was that around the time sometime after his
12 parole was actually denied?

13 A I don't recall the date of the parole hearing.

14 Q Okay.

15 A But since it was ordered that he was allowed mail
16 contact, the department has not heard from him.

18 A Yes.

19 MISS PEEBLES: Objection.

20 Q He fizzled away into prison, where he still
21 remains?

22 | MISS PEEBLES: Objection.

23 MR. LOVRIC: I'll withdraw that, Judge.

24 THE COURT: Okay.

25 MR. LOVRIC: I'll move on.

Elizabeth Chesebro - Redirect

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1 Q Now yesterday Miss Peebles talked to you at some
2 length about the various communications between -- excuse me.
3 Let me phrase this a little more accurately. You were asked
4 questions about things that Shannon was asking be relayed to
5 her mother Linda O'Connor and then you were asked questions
6 about things that Linda O'Connor was requesting DSS pass on
7 to Shannon. Do you recall that line of questions?

8 A Yes.

9 Q Now, you indicated yesterday that a good portion of
10 these types of communication and information was screened by
11 yourself and other DSS workers?

12 A Yes.

13 Q And we talked yesterday that those decisions were
14 made not solely by you but by a team that was working with
15 Shannon and some of those team members working with Linda
16 O'Connor, is that a fair statement?

17 A Yes.

18 Q Now, what I'd like to ask you about that: Was the
19 Family Court judge who was handling the Family Court matter
20 also informed by DSS of this screening process that would
21 take place as to what will or won't be allowed to go back and
22 forth between Linda O'Connor and Shannon?

23 A Yes. Both the judge and her law guardian were
24 aware, based on my permanency reports, that Shannon's mental
25 health therapist didn't feel it was in her best interest to

Elizabeth Chesebro - Redirect

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1 have contact with her mom and that contact wasn't being
2 allowed until further recommendation was different.

3 Q Okay. Now, when was that? When was that
4 permanency report?

5 A That was submitted to the court in October of 2007.

6 Q And in that report, do you -- well, let me ask you:
7 Who drafted that report? Who wrote that report?

8 A I did.

9 Q And that was submitted to the Family Court judge?

10 A Yes.

11 Q And was a copy also provided to Shannon's law
12 guardian?

13 A Yes.

14 Q And in that report did you itemize and state that
15 certain types of information back and forth would not be
16 permitted based on the mental health worker's assessment that
17 it's not in Shannon's best interest?

18 A At that point my statement was that no contact was
19 being allowed based on the therapist's recommendation.

20 Q And so the Family Court judge was aware of that?

21 A Yes.

22 Q And what was the Family Court judge's view of that?

23 A He approved my permanency plan.

24 Q So the Family Court judge was aware that you were
25 going to -- you and DSS were going to filter what goes back

Elizabeth Chesebro - Redirect

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1 and forth and approve that plan?

2 MISS PEEBLES: Objection.

3 THE COURT: Sustained.

4 Q Was that permanency plan approved by the Family
5 Court?

6 A Yes.

7 Q At any time did the Family Court judge direct you
8 or any other DSS personnel to act differently?

9 A No.

10 MISS PEEBLES: Objection.

11 THE COURT: Sustained.

12 MR. LOVRIC: I'll move on to the next topic,
13 Judge.

14 THE COURT: Okay.

15 Q Now, yesterday Miss Peebles, in one of the first
16 topics that she discussed with you, asked you a line of
17 questions whether or not you personally did any investigating
18 to determine if Dean Sacco was in any way violating that
19 court order issued October 11 of 2007, that being -- that he
20 was not to be allowed to have any unsupervised contact with
21 Shannon. Do you remember that line of questions by Miss
22 Peebles?

23 A Yes.

24 Q Now, at that time, and that being the time frame
25 after October 11, 2007 and all the way up until

Elizabeth Chesebro - Redirect

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1 February 26 -- excuse me. October 11 of 2006. I misspoke
2 there. So the court order I'm referring to is October 11 of
3 '06, from there up until February 26 of 2007. During that
4 time frame did you expect that Linda O'Connor would tell you
5 if Dean Sacco had unsupervised access to Shannon?

6 A Yes.

7 Q Did you know that she was present in court on
8 10/11/06 when the Judge issued that order to her?

9 A Yes.

10 Q And did Linda O'Connor -- between October 11, 2006
11 and February 26 of 2007, did Linda O'Connor ever call you and
12 inform you that Dean Sacco was, in fact, having access to
13 Shannon unsupervised?

14 A No.

15 Q Did Linda O'Connor ever tell you that she would
16 allow Shannon to go upstairs with Dean Sacco alone?

17 A No, she did not.

18 Q Did Linda O'Connor ever tell you that Dean Sacco
19 would take Shannon horseback riding?

20 A No.

21 Q Did Linda O'Connor ever tell you that Dean Sacco
22 would take Shannon somewhere with some guy named Steve?

23 A No.

24 Q Did you know any of that at that time?

25 A No, I did not.

Elizabeth Chesebro - Redirect

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1 Q Did you rely on her to tell you if something like
2 that happened?

3 A Yes.

4 Q Now, Miss Peebles asked you about this conversation
5 you had with Lydia Smith. And Lydia Smith, I believe
6 yesterday I asked you who she was and you indicated she is
7 who?

8 A She was Linda's mental health therapist.

9 Q And you made a progress note that we read
10 yesterday -- I'm not going to ask you to read it again --
11 that Lydia Smith advised you of some suspicions that she was
12 conveying to you about Shannon possibly being traded for sex
13 for rent. Is that a fair summarization of that?

14 A Yes.

15 Q And that came about as a result of Lydia Smith
16 talking to Kathy Myrick, Linda O'Connor's pastor, is that
17 correct?

18 A Yes.

19 Q So whatever information Lydia Smith conveyed to you
20 initiated or originated with Pastor Kathy Myrick?

21 A Yes.

22 Q So that wasn't something that you were just
23 creating on your own and just writing a progress note saying
24 that you think this might be going on?

25 A No.

Elizabeth Chesebro - Redirect

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1 Q And yesterday Miss Peebles talked with you about
2 both progress notes that you made and information in your
3 reports dated January 24 of 2008, January 27, 2008, in
4 connection with not either allowing Linda O'Connor to contact
5 Shannon or speak to Shannon and vice versa, not allowing
6 information from Shannon to go back to Linda O'Connor. Do
7 you remember those questions?

8 A Yes.

9 Q At that time, January of 2008, were you aware that
10 Linda O'Connor was under criminal investigation by the
11 Norwich Police Department and some point also by the FBI?

12 A Yes.

13 Q And in following your course not to allow
14 information back and forth, in addition to you and the other
15 counselors making decisions on the well-being of Shannon,
16 were you also attempting not to compromise a criminal
17 investigation?

18 A Yes.

19 Q Now, Miss Chesebro, at any given time while you
20 were Shannon's caseworker for DSS, about how many cases,
21 other cases would you carry and have? What kind of caseload
22 did you have?

23 A It varies almost day to day by what's assigned to
24 us. On average I carry about 20 to 22 cases.

25 Q Twenty to 22 approximately different kind of

Elizabeth Chesebro - Redirect

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1 matters dealing with a lot of either child issues or
2 parent-to-child issues or family issues?

3 A Yes.

4 Q So this wasn't the only case that you were handling
5 at the time?

6 A No.

7 MR. LOVRIC: Those are all the questions I
8 have at this time, your Honor.

9 THE COURT: All right. Mr. Fischer.

10 MR. FISCHER: Thank you, your Honor.

11 RECROSS-EXAMINATION

12 BY MR. FISCHER:

13 Q Good morning.

14 A Good morning.

15 Q I'm going to ask you some questions about both what
16 Mr. Lovric asked you this morning and yesterday and about
17 what Miss Peebles spoke with you about yesterday.

18 A Okay.

19 Q Okay. There was a discussion, further discussion
20 about the March 12, 2007 visit to the Chenango Memorial
21 Hospital. Do you remember that?

22 A Yes.

23 Q I want to make it clear that when you made that
24 visit, you were aware that in September of 2006 Shannon had
25 had access to an adult sex toy, am I correct?

Elizabeth Chesebro - Recross

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1 A I don't recall that she had access to it. I recall
2 she was aware her mother had one.

3 Q Did you read Miss Panus' notes?

4 A Yes.

5 Q And is it true that Miss Panus refers specifically
6 to a conversation wherein Miss Lang said she found Shannon
7 using an adult sex toy?

8 A I don't recall that at the moment. If you could
9 refer me to something, I'll take a look at it.

10 MR. FISCHER: Just a moment please, Judge.

11 THE COURT: Sure.

12 Q Do you remember reading Miss Panus' notes
13 concerning September of 2006 where Miss Panus had a
14 discussion with Shannon about Shannon accessing pornography
15 sites?

16 A Yes, I do recall that.

17 Q Do you remember reading it about the same time a
18 reference to Shannon using that adult sex toy?

19 A As I stated before, I don't recall that particular
20 incident, but if I could look at it -- if you could refer me
21 to something, a specific date even.

22 Q If it was in Miss Panus' notes that in about
23 September of 2006 Shannon was using an adult sex toy, it
24 would be important information to pass along to the doctor
25 who's performing the examination on March 12, 2007, am I

Elizabeth Chesebro - Recross

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1 correct?

2 A I don't know that I would in my normal course of
3 business pass that along. We were there for a specific
4 examination.5 Q The specific examination was with respect to
6 Shannon's claim that she had been raped, am I correct?

7 A Yes, it was.

8 Q And to determine whether there was any evidence at
9 all of a rape, am I correct?

10 A Yes.

11 Q And you were aware going into that March 12, 2007
12 examination that part of the purpose of that examination was
13 to determine, if at all possible, when it occurred and how it
14 occurred, am I correct?

15 A Yes.

16 Q But you didn't think that it was important or you
17 don't think as you sit here that it would be important
18 information for a doctor making that assessment to have, that
19 the girl had used a sex toy in the past, am I correct about
20 that?21 A I'm not stating I don't think it would be
22 important. I don't know if I would have recalled that
23 information at that time.24 Q If you had, if you had been aware of it on
25 March 12, 2007, that would have been information that would

Elizabeth Chesebro - Recross

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1 have been important to pass along to the doctor, am I
2 correct?

3 A If I had recalled it at that point, yes, I may have
4 included that.

5 Q You may not have included it if you had known about
6 it?

7 A I was obviously aware of it because I read
8 caseworker Panus' notes. It's impossible to remember
9 everything about every case, unfortunately. I can't state
10 going back, whether I would have included that in my report
11 to the doctor or not.

12 Q I understand that as you sit here now you don't
13 specifically recall that on March 12, 2007 you did or did not
14 remember the September note from Miss Panus, okay?

15 A M-m h-m-m.

16 Q But assuming that you did know about it --

17 MR. LOVRIC: Objection.

18 THE COURT: Sustained.

19 MR. FISCHER: I believe there's testimony
20 yesterday about this very subject.

21 THE COURT: That may be true, but you've got
22 to watch the form of your question. Rephrase it.

23 BY MR. FISCHER:

24 Q On March 12, 2007, if you had known about the
25 September 2006 claim that Shannon had a sex toy, would that

Elizabeth Chesebro - Recross

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1 have been important information that you would have passed
2 along to the doctor?

3 A I feel I've already answered that. I don't -- at
4 the time I don't believe I was recalling that that was, you
5 know, something that Naomi had gathered information on at the
6 time and therefore, no, it was not included in my information
7 to the doctor.

8 Q Before you went to the doctor's office wasn't it
9 important for you to understand the history with respect to
10 Shannon and any physical or sexual contact that she may have
11 had in the past?

12 A Yes. That is important.

13 Q But you don't know here as you sit here whether you
14 did that review of Shannon's sexual history prior to going to
15 the doctor's on March 12, 2007, am I correct?

16 A No, I know I did not go through my entire case file
17 prior to taking her to that exam.

18 MR. FISCHER: Excuse me. I am going to need a
19 moment of assistance, if I can, with some of the technology
20 so that I can use the exhibits with the witness.

21 THE COURT: Colleen is the courtroom techie.

22 MR. FISCHER: Your Honor, may I approach the
23 witness for just a minute?

24 THE COURT: Yes, you may.

25

Elizabeth Chesebro - Recross

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1 BY MR. FISCHER:

2 Q Ma'am, I'll show you Government's Exhibit 111. Do
3 you see that document?

4 A Yes, I do.

5 Q That's the document that the government offered in
6 evidence yesterday when you were testifying, do you remember
7 that?

8 A Yes.

9 Q What is that? That's a two-page note?

10 A Yes. It's a two-page document.

11 Q It shows at the top of the document a fax memo, a
12 11/7/2007?

13 A Yes.

14 Q Who did that come from?

15 A That was sent to me by the Greater Binghamton
16 Health Center.

17 Q So when you received this, it was not stapled like
18 this?

19 A Correct.

20 Q You stapled this document together?

21 A Yes.

22 Q Is this stapled document the document you provided
23 to the government?

24 A I believe that would be a copy that my attorney
25 provided to the government.

Elizabeth Chesebro - Recross

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1 Q So somebody from Greater Binghamton Health Center
2 faxed you two pages.

3 A Yes.

4 Q And you stapled it and got it to your attorney?

5 A It was in my case file for a while, but yes, the
6 attorney's aware of it.

7 Q And eventually you got it to your attorney and the
8 attorney turned it over to the government, am I correct?

9 A Yes.

10 Q Was there a cover sheet that came with this?

11 A I don't recall at the time. There may be a page
12 number on the top, though that would reference if that was
13 the second.

14 Q I'll show you the document.

15 A No, it doesn't appear there would have been a cover
16 letter.

17 Q Okay. Thank you. November 6 of 2007, you had a
18 conversation with Shannon at -- sometime between 6 and 7 PM
19 that day, am I correct?

20 A Roughly, yes. I know it was in the evening, yes.

21 Q A telephone conversation?

22 A Yes.

23 Q And during that telephone conversation Shannon was
24 expressing to you that she really wanted you to come over and
25 see her at Greater Binghamton Health Center, am I correct?

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1 A Yes.

2 Q You said, no, I can't do that?

3 A Yes.

4 Q When were you notified about Shannon's suicide
5 attempt?

6 A Later that evening.

7 Q Between 8 and 9 PM?

8 A Yes, it was during that time.

9 Q This document was faxed over to you, if it says
10 14:24, about 2:30 in the afternoon the next day?

11 A Yes.

12 Q You weren't present when anybody found these
13 documents at the Greater Binghamton Health Center, were you?

14 A No.

15 Q Do you know whether there were any other documents
16 in Shannon's room -- withdraw that. Do you know whether
17 these were found in Shannon's room?

18 A I don't know where they were found.

19 Q Do you know whether the person who found these
20 found any other documents written by Shannon?

21 A No, I don't.

22 Q Do you know whether these two pages were created at
23 the same time by Shannon?

24 A No, I do not.

25 Q Do you even know whether these were in fact created

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1 by Shannon?

2 A I know what the hospital reported to me that was
3 found.

4 Q No. I'm sorry. My question was terrible. I'm
5 going to interrupt you. Do you know personally -- you never
6 saw Shannon write these two documents?

7 A No, no.

8 Q Are you familiar with Shannon's handwriting?

9 A Vaguely, yes.

10 Q I'm going to show you a document that's marked for
11 identification as Exhibit S-19. Can you read that?

12 A Would you like me to?

13 Q No, to yourself. Is it legible?

14 A Yes. Yes, it is.

15 Q And you've seen letters from Shannon before, am I
16 correct?

17 A Yes.

18 Q You're familiar with her handwriting, am I correct?

19 A Yeah.

20 Q Does that exhibit --

21 A I've seen it before.

22 Q Does that appear to be her handwriting?

23 A To my knowledge I do recall she'd given me to send
24 to her mom.

25 Q So you remember -- that's obviously a photocopy,

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1 but that original she gave to you?

2 A Yes.

3 Q Thank you.

4 MR. FISCHER: Your Honor, I will offer Exhibit
5 S-19.

6 MR. LOVRIC: No objection.

7 MISS PEEBLES: That's fine.

8 THE COURT: No objection?

9 MISS PEEBLES: No objection.

10 THE COURT: All right. We'll receive
11 Defendant's S-19 in evidence.

12 By MR. FISCHER:

13 Q I'm putting on the screen Exhibit S-19. Do you see
14 that?

15 A Yes.

16 Q And that's the document that shows Shannon's
17 handwriting, is that correct?

18 A Yes.

19 Q I'm going to next put on the screen the second page
20 of Government Exhibit 111. Do you see that?

21 A Yes.

22 Q Does that appear to you to be the same handwriting?

23 A I don't know that I'm qualified to judge that. I
24 know this was sent to me and told that it was Shannon's
25 document.

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1 Q So you can't tell by looking at that?

2 A I don't think that's fair of me to judge, no.

3 Q Okay. On March 14 of 2007 when you met with
4 Detective Blenis, Detective Blenis had the script, correct?

5 A Yes. Yes.

6 Q And you made notes on that script?

7 A Yes.

8 MR. FISCHER: May I approach, your Honor?

9 THE COURT: Yes, you may.

10 Q I'm going to show you a one-page document, exhibit
11 marked 1-20. Do you see that?

12 A Yes, I do.

13 Q Is that part of the script Detective Blenis
14 prepares?

15 A Yes.

16 Q There's handwriting?

17 A Yes, there is.

18 Q Whose handwriting is that?

19 A It appears to be mine other than what's at the top
20 here and the circle and the arrow.

21 Q Okay. Thank you.

22 MR. FISCHER: I'll offer the document in
23 evidence.

24 MR. LOVRIC: I have no objection. I thought
25 it was in evidence.

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1 THE COURT: What's that exhibit number?

2 MR. FISCHER: This is S-20.

3 THE COURT: Okay.

4 No objection to that?

5 MISS PEEBLES: No objection.

6 MR. LOVRIC: No objection.

7 THE COURT: The Court will receive S-20 in
8 evidence.

9 BY MR. FISCHER:

10 Q I put on the screen Exhibit S-20. Your handwriting
11 is the example. I thought you may be able to help, am I
12 correct?

13 A Yes.

14 Q That's your handwriting?

15 A Yes.

16 Q Do you know whether Shannon O'Connor had visual
17 hallucinations?

18 A It was reported to me from the hospital staff.

19 Q Okay. That she did in fact have visual
20 hallucinations?

21 A Oh, no, I'm sorry, auditory hallucinations.

22 Q My question concerns visual hallucinations.

23 A No, I'm not aware of that.

24 Q You were involved with Shannon on a fairly close
25 basis from November of '06 until how recently?

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1 A I have ongoing contact. I'm still assigned as her
2 caseworker.

3 Q When's the last time you spoke with her?

4 A Yesterday.

5 Q What time?

6 A 5:30 or 6:00.

7 Q After your testimony here?

8 A Yes.

9 Q How long did that conversation last?

10 A I spoke with her in the US Attorney's Office about
11 what her plans were for the day and for the weekend.

12 Q How long did that conversation last?

13 A I don't know exactly how long I was with her. We
14 were probably up there half an hour or more.

15 Q Did you speak with Mr. Lovric after your testimony
16 yesterday?

17 A I spoke with him, yes, but not about my testimony.

18 Q About what time frame from November of 2006 until
19 the present, based on your observations, was Shannon having
20 the most severe psychiatric symptoms?

21 A She has fluctuated throughout. There were many
22 different times where she had a very, very hard time
23 controlling her emotions and knowing how to handle those in
24 appropriate ways. It comes and goes, fluctuates.

25 Q Do you know the first time that Shannon received

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1 Thorazine was October 1 of 2007?

2 A That sounds accurate to me.

3 Q Do you know the last time she received Thorazine?

4 A I don't recall.

5 Q The Greater Binghamton Health Center, what kind of
6 a facility is that?

7 A That's an inpatient psychiatric hospital.

8 Q There are a number of psychiatric patients at that
9 hospital?

10 A Yes.

11 Q When did Shannon go into the Greater Binghamton
12 Health Center?

13 A She was admitted there, I believe it was just after
14 midnight on the 20th of September.

15 Q She spent her days in large part around other
16 patients?

17 A Yes.

18 Q Other psychiatric patients?

19 A Correct.

20 Q When was she released from the Greater Binghamton
21 Health Center?

22 A She was transferred to the residential treatment
23 facility on March 26, I believe, if I recall correctly.

24 Q So the first time that Shannon made any claims that
25 Mr. Sacco had taken any photographs came on October 25, 2007?

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1 A Yes.

2 Q After -- withdraw that. Do you know what drugs
3 Shannon had been administered during say the month before
4 that October 25, 2007 date?

5 A I know that she was on various drugs. I don't
6 recall specifically what they were at that time.

7 Q Other than Thorazine, had she gotten any other
8 antipsychotic medications during the month before October 25,
9 2007, to the best of your knowledge?

10 A I know I testified yesterday at one point she was
11 prescribed Risperdal, which I believe is in the antipsychotic
12 category. I don't recall at this point when that was,
13 though. It's possible she was because she was at a
14 psychiatric hospital. They treated her for her symptoms.

15 Q I'd like to go back to March -- I'm sorry,
16 August 11 of 2007. That's the first time that Child
17 Protective Services got involved with Shannon O'Connor?

18 A That was in 2006.

19 Q August 11, 2006?

20 A Yes.

21 Q That's when Naomi Panus responded?

22 A Yes. She was assigned the case at that time.

23 Q Within a couple of weeks, at the very least, after
24 August 11, 2006, Naomi Panus had some very frank
25 conversations with Shannon O'Connor, based on your

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1 recollection, is that correct?

2 A Yes.

3 Q And some of those conversations had to do with sex,
4 am I correct?

5 A Yes.

6 Q The first time that Shannon O'Connor made any claim
7 against Dean Sacco with respect to pictures -- withdraw that.
8 The first time that Miss O'Connor ever made any claims
9 against Mr. Sacco was after you had been working closely with
10 her for at least four months, am I correct?

11 A I was assigned in November of '06 -- '07, excuse
12 me. No, '06, I'm sorry. And then it was in February of --
13 no, March of '07 that she disclosed.

14 Q So that's about four months?

15 A Approximately.

16 Q Do you know the last time Shannon had contact with
17 Ray?

18 A Direct contact with him?

19 Q Any contact, either correspondence or any
20 conversations?

21 A I don't recall that she's had contact in quite some
22 time, I believe since she was in her mother's care.

23 Q When was that?

24 A Prior to February of '07.

25 Q Prior to the March 2, 2007 date when Shannon first

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1 made a claim against Mr. Sacco, during the prior ten days her
2 mother had been arrested, correct?

3 A Yes.

4 Q Her mom had been incarcerated?

5 A No.

6 Q Shannon had been removed from the home?

7 A Yes.

8 Q She'd been placed in a new home?

9 A Yes.

10 Q With people she didn't know?

11 A Correct.

12 Q She had to go to Family Court on a couple of
13 occasions?

14 A She wasn't present in Family Court but she did
15 attend so she can meet with her law guardian, yes.

16 Q She knew that there were Family Court proceedings
17 involving removing her from her mom's custody and placing her
18 someplace else, am I correct?

19 A Yes.

20 Q And at that time in March of 2007 she was aware
21 about Ray's seeking to become involved with her, am I
22 correct?

23 A Not at that time, I don't believe. I believe it
24 was after that that he first petitioned the court.

25 Q Do you know whether prior to March 2 of 2007

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1 Shannon had -- had any discussions concerning whether Ray was
2 her real father?

3 A I don't know that she -- she may have had those
4 discussions with her mother. I'm not aware of that though.

5 Q Now, in March of 2007, as of March 2, 2007, at that
6 point to your knowledge Shannon was not taking any
7 antipsychotic medication, am I correct?

8 A To my knowledge.

9 Q To your knowledge Shannon was not being prescribed
10 any medication with respect to her mood, correct?

11 A To my knowledge, yes.

12 Q There was a conversation with you on March 2, 2007,
13 with Shannon, with respect to her menstrual period, am I
14 correct?

15 A Yes.

16 Q And what was that conversation?

17 A That she had not gotten her period yet that month.

18 Q You knew the last time she had her period was in
19 January, is that correct?

20 A That's what she reported to me.

21 Q Is it fair to say that there were quite a few
22 seriously stressful events that occurred during let's say the
23 two weeks before Shannon O'Connor made her first allegation
24 against Mr. Sacco?

25 A Yes.

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1 MR. FISCHER: Those are all the questions I
2 have. Thank you.

3 MISS PEEBLES: Your Honor, may we take a
4 five-minute or ten-minute recess?

5 THE COURT: You need the time to look at
6 something?

7 MISS PEEBLES: To hook up the laptop.

8 THE COURT: Okay.

9 MISS PEEBLES: Thank you.

10 THE COURT: All right, ladies and gentlemen.

11 (Jury excused)

12 (Jury present)

13 THE COURT: Miss Peebles.

14 RECROSS-EXAMINATION

15 BY MISS PEEBLES:

16 Q Miss Chesebro, I want to follow up on some
17 questions Mr. Lovric asked you about your assessment of Mrs.
18 O'Connor's relationship with her daughter, Shannon. Do you
19 understand?

20 A Yes.

21 Q And that you refer to their relationship as a
22 peer-to-peer type of relationship. That was your take on it,
23 is that fair?

24 A Yes.

25 Q I'm going to hand you now what's been marked as

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1 Defense Exhibit 29 and ask if you can identify this document.

2 A Yes.

3 MISS PEEBLES: At this time, your Honor, I'd
4 like to offer Defense Exhibit O-29.

5 MR. LOVRIC: I have no idea what it is, Judge.
6 I have to take a look at it.

7 No objection.

8 MR. FISCHER: No objection.

9 THE COURT: Okay. Receive Defendant's O-29 in
10 evidence.

11 THE CLERK: Mr. Egan indicated the number
12 should be 31.

13 MISS PEEBLES: It will be Defense Exhibit
14 O-31.

15 THE COURT: Last one I received is 29. We'll
16 receive O-31 in evidence.

17 BY MISS PEEBLES:

18 Q Now, looking at this document, can you tell the
19 jury what this document is.

20 A This is a foster care form that the department has
21 for parents to grant permission for various activities. I
22 think it's called the high risk form. They're high-risk
23 activities.

24 Q And on that document Linda O'Connor was required to
25 authorize permission for her to partake in some of these

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1 activities, is that correct?

2 A Yes.

3 Q She had some safety concerns she noted on the form,
4 is that fair to say?

5 A Yes.

6 Q She wanted to make sure she was wearing a helmet,
7 correct?

8 A Yes.

9 Q And abiding by safety concerns, safety rules, is
10 that fair?

11 A Yes.

12 Q Now, I hand you some documents in Defendant's O-26
13 that you were able to identify. I'm going to show you those
14 documents again and ask you to identify what those documents
15 are.

16 A These are cartoons that I've seen on the internet
17 before.

18 MISS PEEBLES: Your Honor, at this point I'd
19 like to offer Defense Exhibit O -- whatever I marked it.
20 O-26, Judge.

21 THE COURT: Okay.

22 MR. LOVRIC: Can I have a voir dire, Judge?

23 THE COURT: Yes, you may.

24 VOIR DIRE EXAMINATION

25 BY MR. LOVRIC:

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1 Q Where did these come from, Miss Chesebro?

2 A Mrs. Peebles presented them up to me. I have no
3 idea.

4 Q I guess my question is: She asked you if you'd
5 ever seen these before?

6 A Yes.

7 Q Where have you seen them before?

8 A I don't know specifically where, whether it was in
9 e-mail or somewhere on the internet.

10 Q Had Shannon ever seen these?

11 A I don't know.

12 Q Did she ever tell you that she saw these?

13 A No.

14 Q Do you have any knowledge whether Shannon ever saw
15 or ever had anything to do with these cartoons in any way?

16 A I don't have knowledge about that.

17 MR. LOVRIC: I would object.

18 THE COURT: Sustained.

19 MISS PEEBLES: Well --

20 BY MISS PEEBLES:

21 Q Is it fair to say these cartoons were on your
22 MySpace account?

23 A No they were not. That's not my MySpace account.

24 Q Well, she was able to access your MySpace account
25 and other caseworker's MySpace account?

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1 A I know she was able to access my MySpace account.

2 Q If she were viewing your MySpace account, she was
3 able to access and see what you had on your MySpace account,
4 is that right?

5 A Whatever was on my page at that time.

6 Q Because if I were able to access Shannon O'Connor's
7 MySpace account, through her MySpace account, then I could
8 access your MySpace account, is that fair to say I would be
9 able to do that if I went through her MySpace account?

10 A Yes.

11 Q If I were able to get these documents from your
12 MySpace account through her MySpace account, that's a fair
13 statement, right?

14 A I don't know where those documents are from. The
15 people that posted those are not people that I know.

16 Q Well, you know Theresa Jones?

17 A I do know Theresa Jones.

18 Q And it's a caseworker?

19 A She's a senior caseworker, yes.

20 Q And she, is it fair to say, had some pretty crude
21 cartoons on her MySpace account?

22 A I've not looked at her MySpace account in quite
23 some time.

24 Q But you knew Shannon, you knew Shannon had put down
25 that she was 17 years old; you knew that, right?

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1 A Yes, I did.

2 Q And you condoned that?

3 A I did not condone it, the fact I told her to do
4 that or allowed her to do that, but at her foster parent
5 household, she was allowed to have a MySpace page.

6 Q You never confronted her about saying she was 17
7 years old on her MySpace account?

8 A I do believe we had a conversation about that.

9 Q But you continued to e-mail through MySpace account
10 over 20 times while she was in foster care, isn't that true?

11 A She would send me messages when she couldn't reach
12 me at the office at times.

13 Q Are you telling me you never sent her e-mail
14 through MySpace account? Is that what you're testifying to?

15 A No. I'm saying she sought me out through that
16 means.

17 Q And you e-mailed her back, correct?

18 A Yes, yes.

19 Q So, you don't know whether or not Shannon saw a
20 cartoon with an adult dildo sticking in a snowman's nose?
21 You don't know whether she saw that through your MySpace
22 page?

23 MR. LOVRIC: Objection.

24 THE COURT: Sustained.

25 Q And you knew that Shannon viewed you as her best

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1 friend because she put that on her MySpace page, isn't that
2 true?

3 A I was not aware that was on her MySpace page.

4 MISS PEEBLES: Colleen, may I have the
5 exhibits?

6 Q I'm going to show you what's been offered into
7 evidence and accepted into evidence, Defense Exhibit 0-21,
8 and show you Shannon's MySpace page where she has, "Party
9 Girl has 21 friends," and you're listed as one of her top
10 friends, one of her top four friends on her MySpace page. Do
11 you see that?

12 A Yes.

13 Q And she thought you were one of her top friends,
14 isn't that fair?

15 A I have no control over who she puts in her top
16 friends.

17 Q Did you ever talk to her about the fact that she
18 put on her MySpace page that she loves hot guys? Did you
19 ever talk to her about that?

20 A I don't know that I did.

21 Q Let's talk about Casey. She has on there, "I love
22 Casey." Now you talked about Casey when you were asked some
23 questions I believe by Mr. Fischer. Do you recall that?

24 A Yes.

25 Q In fact, at one point Shannon told you that Casey

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1 was abusing her. Do you remember that?

2 A She did tell me that he had hit her on the knee at
3 one time.

4 Q That wasn't true, was it?

5 A I do not know.

6 Q Well, you just automatically believed her, is that
7 fair to say?

8 A I had no reason not to believe her at that time.

9 Q Well, Casey Fairbanks was a CIT at YMCA, is that
10 correct?

11 A Yes.

12 Q You never went to the YMCA and voiced a concern
13 about whether Shannon was telling you a fib that she had been
14 hit by this boyfriend of hers named Casey?

15 A I do recall I had a conversation, a conversation
16 with Rhett Jenung who was the --

17 Q And Rhett Jenung didn't believe Casey would strike
18 Shannon, is that true?

19 MR. LOVRIC: Objection.

20 THE COURT: Sustained.

21 Q Did you ever talk to Casey about whether or not he
22 hit Shannon?

23 A No, I did not.

24 Q In fact, when Shannon said that, you said, no one
25 has the right to hit you, right? You told her that?

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1 A That's possible.

2 Q Now, would it be fair to say that the peer-to-peer
3 relationship really existed between you and Shannon and not
4 Mrs. O'Connor and Shannon, is that a fair statement?

5 A I was assigned as her caseworker.

6 Q But you had contact with her above and beyond being
7 her caseworker through her MySpace account, isn't that true?

8 A There's -- DSS doesn't have a policy that that
9 can't be used as a means to communicate.

10 Q Did your supervisor know that Shannon O'Connor was
11 portraying herself as being a 17-year-old and communicating
12 with you over her MySpace account? Did your supervisor know
13 that?

14 A I don't know.

15 Q That's not something you would typically do with
16 the other kids that you say you buy things for and go
17 shopping, is it?

18 A It's not restricted to that, though.

19 Q Have you ever communicated with any other children
20 through your MySpace account?

21 A I've had other clients that have contacted me
22 through that.

23 Q How old would they be?

24 A I'm trying to think of who that -- different ages.
25 I don't recall. If you're getting at if others were

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1 children, I don't recall.

2 Q So you don't recall whether any other children that
3 you were involved with had communicated through your MySpace
4 account, you don't recall that?

5 A No.

6 Q I want to go back and talk about Raymond O'Connor,
7 Mrs. O'Connor's husband.

8 A Yes.

9 Q When Mr. O'Connor petitioned the court to have
10 contact with Shannon, you told Mrs. O'Connor you didn't care
11 what letters he sent, you were never going to give them to
12 Shannon, isn't that true?

13 A At that time, yes, we were not giving those
14 letters.

15 Q Whether he sent letters or not, you weren't going
16 to give them to her anyway?

17 A Not without a court order we weren't.

18 Q So he just didn't fizzle off into the sunset; you
19 weren't going to give those communications to Shannon.

20 A I never received direct communication from him that
21 was to be sent to Shannon.

22 Q But if you had, you told him you weren't going to
23 send them to her anyway.

24 A Until I had a court order. Once I received the
25 court order, I still did not receive any communication from

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1 him.

2 Q Now Mr. O'Connor is incarcerated and he was
3 convicted of killing his girlfriend. Did you know that?

4 A According to what Mrs. O'Connor had shared with me.

5 Q And anything that you learned about Raymond
6 O'Connor really you learned through Mrs. O'Connor; she told
7 you all that, correct?

8 A Yes.

9 Q And in fact, you talked about some nasty letters
10 that Mr. O'Connor wrote in connection with Shannon at some
11 point, do you recall that?

12 A Yes.

13 Q And wasn't it true that he was very upset when
14 there was a question about whether or not he was the
15 biological father of Shannon? Did you know that?

16 A Can you rephrase that.

17 Q He became upset when there was a question as to
18 whether or not he was the actual biological father of
19 Shannon, isn't that true?

20 A At what point in time?

21 Q During the point in time when he was married to
22 Mrs. O'Connor.

23 MR. LOVRIC: Which year? Objection. What
24 year?

25 THE COURT: See if you can rephrase your

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1 question. I'll sustain the objection.

2 BY MISS PEEBLES:

3 Q During the time frame you were working with Mrs.
4 O'Connor, during that time frame, during 2006 and running
5 into 2007, you had conversations with Mrs. O'Connor about
6 Raymond O'Connor, correct?

7 A Yes.

8 Q And you became aware of some letters that were
9 generated that were rather nasty that Mr. O'Connor had sent,
10 do you recall that?

11 A Yes.

12 Q He was very upset, particularly with Mrs. O'Connor,
13 is that fair to say?

14 A Yeah.

15 Q And he had -- there was a question about whether or
16 not Shannon was actually his biological daughter, is that
17 fair to say?

18 A Yes.

19 Q Now, Raymond O'Connor was married to Mrs. O'Connor,
20 Shannon's entire life before she was born, is that correct?

21 A Yes.

22 Q And were you aware that the government through
23 their investigation interviewed Raymond O'Connor in
24 connection with this case? Were you aware of that?

25 A Yes.

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1 Q Were you present for that interview?

2 A No.

3 Q There was a point in time during that summer when
4 Shannon was with the Hamiltons in 2007 where Shannon voiced a
5 desire to have a relationship with Raymond O'Connor, isn't
6 that true?

7 A Yes.

8 Q Now, I want to talk about Kathy Myrick in Deposit,
9 New York. Her name was brought up. Do you remember her?

10 A I remember speaking about her, yes.

11 Q And you spoke -- and you learned about her through
12 Lydia Smith, correct?

13 A Bill Connors had also shared with me she was
14 involved with their family in the past.

15 Q In fact, Mrs. O'Connor thought Kathy Myrick was her
16 friend? She thought Kathy Myrick was her friend?

17 A She portrayed her both as a friend and as a pastor.

18 Q But she thought she had a good relationship with
19 Mrs. Myrick, correct?

20 A Yeah.

21 Q Now, after you had this conversation with Lydia
22 Smith, you never reached out to Kathy Myrick, you never spoke
23 directly to her, is that fair to say?

24 A I attempted to reach her and never received
25 returned phone calls.

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1 Q Have you talked to Kathy Myrick since this case
2 started?

3 A No. I've never spoken directly with her.

4 Q Did you speak to anybody that knew this Kathy
5 Myrick other than Mrs. O'Connor?

6 A And Shannon.

7 Q And Shannon?

8 A Not to my recollection, no.

9 Q Were you aware that Kathy Myrick is a town gossip
10 in Deposit?

11 A No.

12 MR. LOVRIC: Is this based on Miss Peebles'
13 knowledge? How is she aware of -- I object.

14 MISS PEEBLES: She spoke to Mrs. O'Connor.

15 MR. LOVRIC: I object unless we can have some
16 direction that this witness has knowledge of that directly.

17 THE COURT: Well, she's asking her a direct
18 question about her own knowledge, whether she knew a fact or
19 didn't know a fact. Whether that fact is true or not true,
20 we have no way of knowing that at all from the question.
21 You're asking her does she have any knowledge about Miss
22 Myrick's reputation in Deposit?

23 MISS PEEBLES: Correct.

24 THE COURT: How do you ask that question?

25 MISS PEEBLES: Well, if she had conversations

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1 with Shannon O'Connor and Mrs. O'Connor, she might have that
2 knowledge.

3 THE COURT: About that topic?

4 MISS PEEBLES: Yes, Judge.

5 THE COURT: All right. I'll permit it.

6 THE WITNESS: Can you repeat your question.

7 BY MISS PEEBLES:

8 Q Do you have any knowledge as to whether or not
9 Kathy Myrick is known as a town gossip in Deposit, New York?

10 A No.

11 Q Now, I want to talk now about the medications that
12 Shannon was on. There was a point in time when she was in
13 the psychiatric hospital where you demanded to know when she
14 changed her medication or changed her dosages, is that true?

15 A Yes.

16 Q And you made a note of that in your case notes,
17 correct?

18 A Yes.

19 Q You wanted to know what they were giving her?

20 A She's in the department's custody.

21 Q So that was important information for you to know?

22 A That's our obligation, yes.

23 Q You would want to know why they gave that
24 medication to her, you'd want to know why, correct?

25 A Yes.

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1 Q I'm going to hand you now what's been marked as
2 Government's Exhibit 32 and ask you to take a look at that.

3 THE COURT: Not Government's.

4 MISS PEEBLES: I'm sorry. O'Connor Defense O.

5 THE COURT: O-32.

6 A Just the highlighted portions?

7 Q Just the highlighted portions.

8 A Is there more than this one page you want me to
9 look at?

10 Q Just the highlighted portions.

11 A Okay.

12 Q Does that refresh your recollection as to whether
13 Shannon told those at the psychiatric hospital that she was
14 having visual hallucinations along with auditory
15 hallucinations?

16 A That's the first I've seen that document, first
17 I've known about any visual hallucinations.

18 MR. LOVRIC: Objection. I don't think the
19 document's in evidence.

20 THE COURT: Side-bar. Not in evidence.

21 (At the bench)

22 THE COURT: Now if you're going to use the
23 document to refresh her recollection, I think it's pretty
24 well established through her that she didn't know anything
25 about any visual hallucinations but she knew about auditory

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1 hallucinations. I don't know what this record says.
2 Apparently it must say something about visual hallucinations.

3 MISS PEEBLES: Yes.

4 THE COURT: Are you going to offer the
5 document into evidence?

6 MISS PEEBLES: I can. I will.

7 THE COURT: Is there going to be any
8 objection?

9 MR. LOVRIC: She has no knowledge of this
10 document. My whole objection, Judge, the defense counsel
11 can't show a witness a document and say does this refresh
12 your recollection when the witness is saying, I had no
13 knowledge of this information and I've never seen this
14 document before other than now, I'm going to read it to you
15 and tell you what it says. That's not -- that's not
16 refreshing recollection. That's asking a witness to tell the
17 jury what's in a document that's not in evidence and that
18 this witness has no direct knowledge of even the existence of
19 the document or the knowledge of what's in the document.
20 That's why I object. You have to call somebody who created
21 this document, who has direct knowledge of it.

22 MR. FISCHER: If I may. I understand Mr.
23 Lovric's objection to be a foundational objection. Am I
24 correct?

25 MR. LOVRIC: No.

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1 MR. FISCHER: There's no foundation.

2 MR. LOVRIC: Somebody who has knowledge.

3 THE COURT: There's two different issues.

4 That issue that you're raising, Mr. Fischer, goes to if she
5 offers it in evidence, then he can object to say, well, this
6 witness didn't know about it. She didn't make it. She never
7 saw it before. She's got no knowledge of it. What now
8 becomes the foundation for the offer of that. That's one
9 issue.

10 This is another issue. She showed her the
11 document, asked her to read it to herself, the highlighted
12 portion, and evidently the document has language that talks
13 about visual hallucinations. And I agree with the objection.
14 I'm going to sustain it.

15 MISS PEEBLES: Judge, then I'll just I guess
16 have to call somebody from Greater Binghamton Health Center
17 that created the notes at this point.

18 MR. LOVRIC: Great.

19 MISS PEEBLES: But my foundation I think was
20 laid through the -- through asking her she was monitoring the
21 medication and she wanted to know why she was getting the
22 medication.

23 THE COURT: That's true.

24 MISS PEEBLES: Exactly. That would be
25 something that she would have been told through the Greater

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1 Binghamton Health Center.

2 THE COURT: We don't know if she would have
3 been told. You'd like to think she would have been told that
4 so she knew what was going on. We don't know that for a fact
5 except we do know she denied knowing about any visual
6 hallucination. So I don't know how -- how you can impeach
7 her on that issue.

8 MISS PEEBLES: I can call somebody.

9 MR. LOVRIC: If the defense wants to on their
10 case put somebody on, that's the way to do it. You can't
11 cross-examine a witness who has no knowledge of the fact and
12 who has no knowledge of a document that contains the fact and
13 then bring that fact out.

14 MISS PEEBLES: It's interesting that you're
15 making that argument since you've been doing it throughout
16 the course of the entire trial.

17 MR. LOVRIC: I have?

18 THE COURT: That happens all the time. People
19 don't object to stuff and they turn around and raise the same
20 objection.

21 MR. LOVRIC: I don't have a problem with
22 documents her being aware of being shown to her, even if she
23 didn't create that. That's like showing her that MySpace
24 thing. She never had any idea --

25 MISS PEEBLES: I got her through MySpace

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1 account.

2 MR. LOVRIC: Then put Dick on the stand.

3 (In open court)

4 BY MISS PEEBLES:

5 Q Now, I'm going to talk to you about the phone call,
6 the controlled phone call on March 14 that you were present
7 for. Okay? Do you understand that?

8 A Yes.

9 Q I'm going to play a portion of that phone call for
10 you, and I want you to listen to it carefully and I'm going
11 to ask you some questions after, okay?

12 A Okay.

13 (Playing March 14 phone call)

14 Q Now you were present when that conversation was
15 taking place and you heard this tape subsequent to that
16 conversation, correct?

17 A I heard the tape quite some time after, but I could
18 hear Shannon's portion of the conversation then.

19 Q You did listen to it, though, afterwards to hear
20 what Dean Sacco was saying to her, correct?

21 A I listened to it in preparation for testifying but
22 not immediately after.

23 Q You never talked to her about why Mr. Sacco would
24 be saying that to her, is that what your testimony is?

25 A I testified yesterday that I did talk to Shannon

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1 about that after the fact and that she continued to deny she
2 wasn't ready to disclose.

3 Q Did it strike you as odd that this information --
4 she would have shared any information whatsoever with Mr.
5 Sacco in that regard if her relationship with him was
6 something that she was trying to portray to you?

7 A In the way she presented that to me, yes, that does
8 seem odd.

9 Q In fact, George Lang did have cancer, isn't that
10 true?

11 A That's what was reported to me by Shannon and her
12 mom.

13 Q When you heard about George Lang, did you ever talk
14 to Renee Lang? Did you ever talk to Renee Lang?

15 A I did not.

16 Q But you knew that Shannon had lived with Renee
17 during a period of time when Mrs. O'Connor was in the
18 hospital. You knew that, right?

19 A She lived with Renee while she was in the hospital
20 and for the period after when she had custody.

21 Q Yes. She lived with Renee, correct?

22 A Yes.

23 Q So you could have reached out to Renee to ask her?

24 A I wasn't the assigned caseworker at that time.

25 Q I'm not talking about that time. After you heard

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1 the tape, and you said you talked to Shannon about it, and
2 she denied anything ever happened with her grandfather, you
3 never talked to Renee Lang about it, is that fair to say?

4 A No, I did not.

5 Q Did you know George Lang was referred to as Captain
6 Hook?

7 A No.

8 Q Did you know George Lang was impotent?

9 A No.

10 MR. LOVRIC: I just object. These aren't
11 facts in evidence. I know she's asking the witness
12 questions. I want to make that clear, I object to being
13 stated as facts.

14 THE COURT: Overruled.

15 Q Further on in the tape Mr. Sacco goes on to talk
16 about this friendship that they had. He's talking about --
17 do you remember that?

18 A Yes.

19 Q Did you ever inquire further of Shannon about what
20 did he mean by that? Did you ever ask her anything at all?

21 A I don't know that we did discuss that.

22 Q Now you knew she had a cellular telephone, correct?

23 A Yes.

24 Q And were you aware that she had been calling Mr.
25 Sacco with her cellular telephone? Did you know that?

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1 A I knew that she had the number in her phone book.
2 She told me that it was in there, her mom said if she needed
3 it in an emergency. I don't know what calls were made
4 though.

5 Q You knew it was in her cellular telephone, she was
6 instructed by her mom to call him if there was an emergency,
7 is that what you're saying?

8 A Yes.

9 Q You also knew there was an order of protection
10 during that time period and Mrs. O'Connor wasn't supposed to
11 allow Shannon around Mr. Sacco unsupervised, correct?

12 A There wasn't an actual order of protection but
13 there was a court order stating there wasn't supposed to be
14 any unsupervised contact. Yes, I learned about that when
15 Shannon was -- after the controlled phone call. It may have
16 been prior, when she offered her cellphone as being able to
17 call Mr. Sacco from it.

18 Q Well, would it surprise you to know she had regular
19 phone contact with Mr. Sacco?

20 MR. LOVRIC: Objection.

21 THE COURT: Sustained. I know it's the same
22 type.

23 Q Now, I want to talk about the shoelace incident
24 that occurred at the Greater Binghamton hospital on November
25 6. Do you understand my question?

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1 A Yes.

2 Q Okay. Now, Shannon O'Connor tied a shoelace around
3 her own neck, correct, she put it around her own neck?4 A Your hand is up like that. I don't know where her
5 hands were. I was told it was around her neck.6 Q She didn't tie it on to anything else, is that
7 correct?

8 A Not to my knowledge.

9 Q So you think she could kill herself if she tied a
10 shoelace around her neck?11 A I can't answer to that. I know what the hospital
12 reported, that she had used a shoelace as a suicide attempt,
13 she put it around her neck.14 Q But it wasn't tied to anything that you're aware
15 of?

16 A To my knowledge.

17 Q Now, October 25 you take a -- you type up a
18 statement that you had after speaking with Shannon, and it's
19 in evidence I think. Right now I'm not sure what the
20 Government exhibit is. October 25, do you remember that?

21 A Yes.

22 Q In that statement Shannon says that her mom had
23 given her five Vicodin, and that's what you put in the
24 report, yes?

25 A Yes.

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1 Q Do you know medically what would happen to an
2 85-pound girl if she took five Vicodin?

3 A I could imagine she'd be very sick, but I'm not a
4 medical professional.

5 Q She was never hospitalized for any type of cardiac
6 arrest, was she?

7 A Not to my knowledge.

8 Q You were aware that Shannon, on August 11, was
9 taken to Chenango County Memorial Hospital after telling the
10 Y camp director that she had taken her mother's medication,
11 correct?

12 A Yes.

13 Q Now, did you ever look to see what the lab results
14 were with regard to that hospital visit?

15 A I don't know that I did view those records.

16 MR. LOVRIC: Okay. What date are we talking
17 about? I'm sorry. I missed that.

18 MISS PEEBLES: August 11, 2006.

19 MR. LOVRIC: I object. She wasn't the
20 caseworker on August 11 of '06.

21 THE COURT: Well, the records cease to exist,
22 they magically appear when the caseworker changes? I don't
23 understand your objection.

24 MR. LOVRIC: I guess -- never mind, Judge. I
25 object.

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1 THE COURT: I take it these records were of an
2 event when Shannon was or was not taken to the hospital.

3 MR. LOVRIC: I withdraw my objection. I'm
4 sorry.

5 THE COURT: Okay.

6 BY MISS PEEBLES:

7 Q So you never looked at those lab results, that's
8 your testimony?

9 A My testimony is that I don't recall seeing lab
10 results at all. I don't believe they were even in the case
11 file.

12 Q So in other words, nobody confirmed whether Shannon
13 had actually taken any of her mother's medication on
14 August 11, is that a fair statement?

15 A I can't speak for what the caseworker at the time
16 did.

17 Q But you didn't?

18 A When I was assigned the case work, yes.

19 Q Did you ever talk to Miss Panus when she handed the
20 case over to you about that incident?

21 A She gave me an overview of the family and her
22 involvement and their service needs.

23 Q And did she ever talk to you about any -- reviewing
24 any lab results?

25 A Not to my recollection at this point.

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1 Q So you took everything that Shannon O'Connor said
2 and believed it, is that fair to say?

3 A I wasn't the caseworker at that time. I had no
4 involvement.

5 Q Since your involvement with Shannon O'Connor,
6 whenever she told you something, you believed it, is that
7 correct?

8 A I'd say that's fair to say, yes.

9 Q But you never did anything to check the validity of
10 anything she was telling you, is that fair to say?

11 A I guess I'm kind of confused by your question. I
12 don't know what I would have done. We don't try to disprove
13 children's statements and we get statements from them.

14 Q You'd want to check the validity of what they're
15 saying, wouldn't you?

16 A That's what the law enforcement investigation was
17 for.

18 Q You were part of that, weren't you?

19 A In what regard?

20 Q Well, let's talk about what you did through the
21 course of this investigation. You were first involved --
22 well, you first showed up with Detective Blenis for the
23 videotaped interview, correct --

24 A Correct.

25 Q -- on October 29?

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1 A Correct. That's per --

2 Q One question at a time. So you were present for
3 that?

4 A Yes, I was present.

5 Q And you were also -- but you had already previously
6 interviewed yourself, interviewed Shannon yourself on
7 October 25, correct?

8 A I believe that was the 24th, yes. I'm sorry, on
9 the 25th. You're right.

10 Q So you did those two things. All right. And then
11 subsequent to that, there was another videotaped interview?

12 A Yes.

13 Q And you were present for that?

14 A Yes.

15 Q And you were asking most of the questions during
16 that interview, is that fair to say?

17 A I did ask questions. I don't know what portion of
18 them.

19 Q Now you were also present for an interrogation of
20 Mrs. O'Connor at the police station with Detective Blenis,
21 correct?

22 A Yes.

23 Q You were also present for the two controlled phone
24 calls on March 14, correct?

25 A Yes.

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1 Q And then March 15, correct?

2 A Yes.

3 Q Now, didn't you also investigate Mr. Sacco's
4 background for the United States government? Didn't you do
5 that?

6 A In what regard?

7 Q Didn't you go to Barnes & Noble and pick up his
8 autobiography American Desperado?

9 A No. I was already aware of that from the previous
10 state side investigation. Detective Blenis had told me there
11 was an autobiography, and yes, I did look it up on the
12 internet.

13 Q You faxed over information to Mr. Lovric?

14 A I did. I recall that I did.

15 Q As a matter of fact, you tried to get ahold of my
16 client in March of this past year, '08, while this case is
17 pending?

18 A Your client is also the mother of the child in the
19 department's custody.

20 Q Yes, that's correct. And she's facing a very
21 serious charge here, isn't that true?

22 A Yes.

23 Q And you reached out to her and wanted her to give
24 you a call, correct?

25 A Absolutely.

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1 Q You never notified me about that, did you?

2 A I wasn't aware that I needed to go through you
3 first. As protocol, we contact the parents.

4 Q You're part of this investigative team with the
5 government, Mrs. O'Connor is facing very serious charges --

6 MR. LOVRIC: Judge, I object to the very
7 serious charges. She's facing charges. I don't think the
8 jury is permitted to know what's serious or not serious.

9 THE COURT: Wait a minute now. Mr. Lovric,
10 they're going to hear -- the jurors -- the jury will decide
11 what it thinks about the charge. It's true the jury has
12 absolutely no role in connection with punishment in these
13 kind of charges, and I'll instruct them on that. But serious
14 charges, that's -- or just charges, I think it's up to the
15 jury to decide.

16 BY MISS PEEBLES:

17 Q Federal charges she's facing, you try to contact
18 her, you don't call me, true?

19 A Yes.

20 Q Isn't it true that you also tried to get a
21 recording device to record phone conversations? Did you
22 mention that to the detective?

23 A The recording device for what phone calls, between
24 who?

25 Q Between either Mr. Sacco or Mrs. O'Connor, anybody

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1 named in this investigation. Didn't you tell them that?

2 A Did I tell who what that?

3 Q Did you offer up trying to get a recording device,
4 that's my question, in connection with this case?

5 A No.

6 Q Never said that?

7 A I'm obviously very confused what you're even
8 asking. I don't recall ever offering a recording device.

9 Q I'm going to play a portion of the interview from
10 December 5 that you were present for, and it's specifically
11 in connection with the Best Western statements that were made
12 by Shannon during that interview.

13 A Okay.

14 (Playing December 5 call)

15 Q Mrs. Chesebro, during that interview you heard
16 Shannon when she was asked whether she used -- whether her
17 mom used her own name when she checked into the Best Western.
18 You asked her those questions, do you remember that?

19 A Yes.

20 Q And Shannon said on both occasions she did, is that
21 correct?

22 A Yes.

23 Q In fact, toward the end of the interview she
24 clarifies the number of trips that they made to the Best
25 Western, do you recall that?

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1 A In the portion you just heard?

2 Q Not in the portion we just heard. She does later
3 on clarify the numbers of trips, is that correct?

4 A If I recall correctly, yes.

5 Q Now, she tells you all the trips that she's
6 referring to she says happened after they moved to Norwich on
7 August 1 of 2006, is that correct?

8 A I believe that's the case.

9 Q Yes. And she was asked the question had this ever
10 happened to her before, and she said yes, with the landlord.
11 That's what she said during that interview, is that correct?

12 A Yes.

13 Q Now, when she clarifies the number of trips at the
14 end of the video, she says there were three trips that they
15 took after they moved to Norwich. One where her and her mom
16 just went shopping, right?

17 A Yes.

18 Q And they go to Wal-Mart, correct?

19 A I believe that's where they went that time.

20 Q Then she said there were two other trips after
21 that, correct?

22 A Yes.

23 Q She said on both of those occasions her mom had men
24 come up to the hotel room, is that correct?

25 A Yes.

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1 Q The Best Western receipts did not reflect what
2 Shannon told you on December 5 during that interview, is that
3 true?

4 MR. LOVRIC: Objection.

5 THE COURT: What's the basis for that?

6 MR. LOVRIC: Has she ever reviewed all the
7 Best Western receipts to make that conclusion.

8 THE COURT: I don't know that. Ladies and
9 gentlemen, we're going to take a break now.

10 (Jury excused)

11 THE COURT: I think if you're going to ask her
12 about the receipts, you've got to show them to her.

13 MISS PEEBLES: Okay. Just for the record, I
14 asked her questions about that yesterday.

15 THE COURT: I think I recall that. So that
16 means Rule 403 says you can't ask them anymore.

17 MISS PEEBLES: No, Judge, but I will do that.

18 THE COURT: Give her the receipts when you ask
19 her the question.

20 MISS PEEBLES: Yes.

21 (Short break taken)

22 (Jury present)

23 THE COURT: Okay. Miss Peebles.

24 BY MISS PEEBLES:

25 Q Miss Chesebro, I'm going to hand you what's been

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1 marked as Defense Exhibit O-6 and ask if you can identify
2 that exhibit.

3 A It appears to be some sort of receipt or
4 transaction from the Best Western hotel.

5 Q And these receipts were generated as a result of
6 the investigation after the interview with Shannon O'Connor
7 on December 5 of 2006, is that correct?

8 A That's the first I've seen that document.

9 Q You made notations in your case notes about the
10 receipts after speaking with Detective Blenis, did you not?

11 A To what he reported to me, yes.

12 Q And the report was that the receipts they found or
13 registrations they found did not comport with what Shannon
14 O'Connor had said in the December 5 interview?

15 A That was the generalization of that, yes.

16 Q Fair to say. I'm going to hand you now what's been
17 marked as Exhibit O-34 and ask if you can identify this
18 document.

19 A It's a progress note.

20 Q And did you create that progress note?

21 A Yes, I did.

22 MISS PEEBLES: Your Honor, at this point I'd
23 like to offer Defendant's Exhibit O-34 into evidence.

24 MR. LOVRIC: Can I voir dire, Judge?

25 THE COURT: Sure.

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1209

1 VOIR DIRE EXAMINATION

2 BY MR. LOVRIC:

3 Q Maybe I'll hand this up to you. Do you have a copy
4 of this, Miss Chesebro?

5 A Is it a May date? I may have the copy of it. I
6 just don't know the date.

7 Q May 3, 2008 is the event date. May 3, '08 is the
8 event date.

9 A I do not have a copy of that with me.

10 Q Let me hand you Exhibit D 0-34. When was that
11 created? When was that created?

12 A This is a recollection of events on May 3, '08.

13 Q And you wrote that progress report?

14 A Yes.

15 Q What was the purpose in writing that report?

16 A Can I briefly read it?

17 Q Sure. What was the purpose for writing that
18 report?

19 A Just documenting the phone call I had with Shannon.

20 Q How did it come to be that you had contact with
21 Shannon in connection with this report?

22 A It initiated as a phone call to her and she called
23 me back when she was available.

24 Q Okay. And the things that are recorded in here,
25 are these things that she had told you about?

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1 A Yes.

2 Q And other than recording what she told you, did you
3 have any further discussions with her other than what's
4 reflected in this report?

5 A Progress notes are meant to be just a summarization
6 of what was discussed.

7 Q Okay. I guess my question is: Were there any
8 other communications or discussions with Shannon about the
9 things in this report but which are not reflected in this
10 report?

11 A This appears to be an accurate reflection of my
12 recollection.

13 MR. LOVRIC: Okay. I have no further
14 questions. I have no objection.

15 THE COURT: Mr. Fischer?

16 MR. FISCHER: No objection.

17 THE COURT: Receive Defendant's O-34 in
18 evidence.

19 BY MISS PEEBLES:

20 Q Now, Miss Chesebro, in this report Shannon states
21 that she was in a cult with the other girls from her unit and
22 she is ashamed she went against her own religion and was
23 worshiping the devil. That's what she told you in one of the
24 more recent phone calls?

25 A Yes.

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1 Q Shannon says she doesn't know who she is right now,
2 is that correct?

3 A Yes.

4 Q Do you know whether she is taking any antipsychotic
5 medication today?

6 A I don't recall at this time.

7 Q I'm going to hand you what I've marked as
8 Defendant's Exhibit 0-27 and ask if you can identify this
9 document.

10 A Yes.

11 Q Was that a letter that was drafted for you, to you,
12 addressed to you?

13 A Yes. It was addressed to me.

14 Q And when was that letter sent to you?

15 A It was received on May 3 of 2007.

16 MISS PEEBLES: Your Honor, at this time I'd
17 like to offer Defense Exhibit 0-27 into evidence.

18 MR. LOVRIC: I have no objection.

19 MR. FISCHER: No objection.

20 THE COURT: Receive Defendant's 0-27 in
21 evidence.

22 BY MISS PEEBLES:

23 Q Now, this letter that was sent to you, it was from
24 the Probation Department on behalf of Shannon O'Connor,
25 correct?

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1 A Yes.

2 Q And in that letter the probation officer refers to
3 you about -- as Shannon as being your daughter, is that
4 correct?

5 A That's what it reads.

6 Q And you had conversations with Mr. Yearington about
7 Shannon, correct?

8 A I don't recall having a conversation with him
9 specifically. I know I spoke with staff in his department.

10 Q Do you recall Kim Hamilton speaking with you about
11 being concerned with regard to the nature of the relationship
12 you had with Shannon?

13 A Based on statements Shannon gave to her, yes.

14 Q In fact, didn't Shannon tell Mrs. Hamilton that she
15 could get you to do whatever she wanted?

16 A She did report that.

17 Q And Shannon felt that about Naomi as well, isn't
18 that true?

19 A I don't know the answer.

20 Q I'm going to hand you what's been marked as Defense
21 Exhibit O-33 and ask if you can identify this document.

22 A Yes.

23 Q Is that a document off of your MySpace page?

24 A It appears to be, yes.

25 MISS PEEBLES: Your Honor, at this time I'd

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1 like to offer Defense Exhibit 0-33.

2 MR. LOVRIC: Can I voir dire, Judge?

3 THE COURT: Yes, you may.

4 VOIR DIRE EXAMINATION

5 BY MR. LOVRIC:

6 Q Who posted these things?

7 A The people who are listed there.

8 Q Which is whom? Who are those people?

9 A People that I know from -- that I have on MySpace
10 as friends.

11 Q Okay. Was any of it posted by yourself?

12 A No.

13 Q Did Shannon see any of this stuff?

14 A I don't know.

15 Q Did she ever indicate to you whether she saw it?

16 A No.

17 Q Did you know whether or not she accessed your site
18 other than sending you a message or an e-mail?

19 A I have no idea.

20 MR. LOVRIC: I object, Judge.

21 THE COURT: Sustained.

22 BY MISS PEEBLES:

23 Q I want to talk about Shannon's being prone to
24 suggestion. Do you understand?

25 MR. LOVRIC: Judge, I'm going to object. I

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1 haven't objected so far, but I think this is way beyond any
2 redirect or re-redirect, so I think we've gone into an area
3 I'm not sure anybody's covered, but it certainly wasn't
4 covered by me or Mr. Fischer.

5 MISS PEEBLES: Your Honor --

6 THE COURT: Yes.

7 MISS PEEBLES: He was trying to get
8 Mrs. Chesebro to talk about whether something was consistent
9 with what -- with what Shannon had said, and I'm getting into
10 areas that he specifically covered on his redirect
11 examination.

12 THE COURT: Well, I'll have to hear what
13 you're going to say because I don't know what you're going to
14 ask. Go ahead.

15 BY MISS PEEBLES:

16 Q When you were asking questions to Shannon O'Connor
17 concerning the information that she was writing on this note
18 about a shower and candles and that sort of thing, do you
19 remember that?

20 A No, I don't.

21 THE COURT: Government's 111, are you talking
22 about?

23 MISS PEEBLES: Yes.

24 Q Government's 111?

25 A Can I see that to recall what the number is?

Elizabeth Chesebro - Recross

1215

1 Q The document attached to the November 6 suicide
2 note.

3 A Okay. I know what you're talking about. I didn't
4 know what 111 was.

5 Q Now, Shannon was asked specific questions about the
6 use of a camera. Do you remember that?

7 A Yes.

8 Q And you said was there a tripod or someone said --
9 Detective Blenis asked was there a tripod and she said yes,
10 is that correct?

11 A If I recall correctly, I know there was discussion
12 about a tripod or something the camera may have been set on.

13 Q She was asked that question. You don't remember
14 that?

15 A Not right now, I don't.

16 Q When she was asked about questions describing men
17 at the Best Western, you said did he have glasses and she
18 said uh-uh, do you remember that?

19 A If that was part of the video, it's been a while
20 since I reviewed the video.

21 Q You asked did he have any tattoos, she says uh-uh,
22 then she says a Chinese symbol?

23 A Yes.

24 Q Any time that you asked her a question that
25 contained an answer, she agreed with you, is that fair to

Elizabeth Chesebro - Recross

1216

1 say?

2 A Based on those two examples, that would be
3 consistent.

4 Q Now, Shannon is a pretty strong, wild young lady,
5 is that fair to say?

6 A It's an accurate representation.

7 Q And you referred to her a couple times as a tough
8 cookie. You refer to her in that way, is that fair?

9 A Yes.

10 Q Now, she tells you that when she's 11 and a half,
11 almost 12, her mom starts coming into the bathroom while
12 she's taking a shower. That's what she told you, correct?

13 A Yes.

14 Q She tells you at that point her mom comes in,
15 doesn't say anything, and just starts sexually abusing her.
16 That's what she says, right?

17 A Yes.

18 Q And then at some point she says, I was going to run
19 away but the windows were painted shut. She said that,
20 right?

21 A Yes.

22 Q Now, Shannon had no trouble walking out of the
23 house any time she felt like it, is that fair to say?

24 MR. LOVRIC: Judge, I object. This is more
25 like summation argument. I object because this is way beyond

Elizabeth Chesebro - Recross

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1 redirect -- or recross, I should say. I'm sorry.

2 THE COURT: Yeah, I think it's pretty far
3 afield. We have been covering a lot of topics. It may not
4 have been brought up in redirect.

5 BY MISS PEEBLES:

6 Q As far as Shannon being alienated from her mother,
7 Shannon had no idea what was going on between you and your
8 supervisors concerning the contact with her mother, is that
9 fair to say?

10 A She knew that -- that she was being told that she
11 wasn't to have contact with her mother.

12 Q But did she -- but you didn't discuss with her the
13 conversations you were having with your supervisor, correct?

14 A No.

15 Q In fact, that wouldn't be reflected in any of your
16 notes?

17 A What do you mean?

18 Q In your case notes. You didn't notate anything in
19 there about discussions you had with Shannon concerning
20 meetings with your supervisor and her not being able to have
21 contact with her mother?

22 A It wasn't just between my supervisor and I. That
23 was a team effort.

24 Q Okay. So the team effort was never talked about
25 with Shannon, is that fair to say?

Elizabeth Chesebro - Recross

1218

1 A No, that's not fair to say. She was aware that it
2 was not felt to be in her best interest because of her recent
3 disclosures and her unstable mental state.

4 Q Shannon didn't know her mom tried to send her those
5 letters, did she?

6 A No. We established that yesterday.

7 Q Well, it's about whether Shannon knew what was
8 going on. That's what I'm asking you about. Shannon didn't
9 know --

10 A Whether the child knew everything that was going on
11 in her case --

12 Q Correct?

13 A No.

14 Q Of course not. Is that fair to say?

15 A Yes.

16 Q So as far as Shannon knew, her mom just didn't care
17 anymore, is that fair?

18 MR. LOVRIC: Objection.

19 THE COURT: Sustained in that form.

20 MISS PEEBLES: No further questions.

21 THE COURT: Mr. Lovric.

22 MR. LOVRIC: I am going to be very brief,
23 Judge, but there's a couple things I want to go back to.

24 THE COURT: I think from anybody's standpoint
25 I think we pretty much exhausted this witness' --

Elizabeth Chesebro - Recross

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1 THE WITNESS: Thank you, Judge.

2 THE COURT: So please make it very brief.

3 MR. LOVRIC: I will, Judge. I'm not going to
4 go into anything I've covered already.

5 THE COURT: Then how can it be redirect?

6 MR. LOVRIC: Only things Miss Peebles or Mr.
7 Fischer just talked about which I didn't in any way talk
8 about.

9 THE COURT: All right.

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Elizabeth Chesebro - Redirect

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1 REDIRECT EXAMINATION

2 BY MR. LOVRIC:

3 Q Miss Peebles asked and you said -- I'd just like to
4 have you clarify that at some point you learned that Linda
5 O'Connor had told Shannon that in case of an emergency to
6 contact Dean Sacco?

7 A Yes.

8 Q When did you learn that from Shannon?

9 A I learned that around the time that we were
10 conducting the controlled phone calls.11 Q And then if I heard you correctly, you told Miss
12 Peebles that in Shannon's phone was programmed Dean Sacco's
13 number, and who was it that either programmed that phone
14 number in her phone or had her do it?

15 A Linda.

16 Q And at the time that the taped conversations were
17 made, March 14 and March 15 between Shannon and Dean Sacco,
18 you were present?

19 A Yes.

20 Q After that did you become involved in any way in
21 the criminal investigation being conducted by law
22 enforcement?23 A I think that's a difficult question to answer
24 because we do have a team approach through the
25 multidisciplinary team.

Elizabeth Chesebro - Redirect

1221

1 Q Let me rephrase it.

2 A Yeah, thank you.

3 Q Miss Peebles talked to you about why you didn't go
4 out and interview Renee Lang?

5 A Correct.

6 Q Did you ever go to Renee Lang after those March 14
7 and March 15 telephone calls?

8 A No, I didn't.

9 Q Why?

10 A That wouldn't have been my responsibility at that
11 point in time.

12 Q Who was going to go and interview Renee Lang?

13 A That wouldn't have been the department's
14 responsibility. That would be up to law enforcement.

15 Q Okay. That's the reason why you didn't go and
16 interview Renee Lang?

17 A Yes.

18 Q Miss Peebles asked you if you believed Shannon
19 about the sexual assault and sexual abuse allegations. Do
20 you remember your answer?

21 A That we don't question children disclosures.

22 Q What do you mean by that?

23 A Although it's important to evaluate the child's
24 ability to give a valid statement, my job is to protect the
25 children. It's not to question their every action, their

Elizabeth Chesebro - Redirect

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1 every statement and/or degrade their disclosure. It's not my
2 role.

3 Q And what is your role with respect to children that
4 reveal sexual abuse or sexual assaults upon them?

5 A That disclosure is then discussed with law
6 enforcement and they conduct their investigation.

7 Q And as far as your continued work with that child,
8 what is your primary goal after a child reveals that kind of
9 information?

10 A It varies from case to case. It can be from
11 anything, making sure they're comfortable in their current
12 setting or not having any adverse reactions to having
13 disclosed such traumatic events.

14 Q Okay. And then you leave the other part to law
15 enforcement and the criminal courts?

16 A Yes.

17 Q Miss Peebles asked you about Miss Myrick, if you
18 knew of her reputation.

19 A Yes.

20 Q Do you remember that question?

21 A Yes, I do.

22 Q You had left messages for the pastor Miss Myrick to
23 call you?

24 A Yes. At some point I did.

25 Q She never called you back?

Elizabeth Chesebro - Redirect

1223

1 A I never heard from her.

2 Q Did you know what type of relationship Linda
3 O'Connor had with Pastor Myrick?

4 A Only in what was reported to me.

5 Q By whom?

6 A By Linda and Shannon.

7 Q What did Linda O'Connor tell you about her
8 relationship with Pastor Myrick?

9 A I was under the impression that it was her pastor
10 as well as -- I don't know if friend is the right word. I
11 can't speak on behalf of either one of them. But I was given
12 the impression that Pastor Myrick was a support to Linda and
13 Shannon both and that Linda sought her out as necessary when
14 she was living in that area.

15 Q You got that impression from speaking to Linda
16 O'Connor?

17 A Yeah.

18 Q Do you personally know whatever happened to Linda
19 O'Connor's first husband, Walter Burkett?

20 A No.

21 Q Did she ever talk about Walter Burkett?

22 A I don't believe.

23 MISS PEEBLES: Judge, I'm going to object.
24 This is beyond the scope.

25 THE COURT: Yeah, it sounds like it is to me

Elizabeth Chesebro - Redirect

1224

1 too.

2 MR. LOVRIC: I put a note down when they asked
3 her about --

4 MISS PEEBLES: I never asked her.

5 MR. LOVRIC: Mr. Fischer.

6 THE COURT: Mr. Fischer never did.

7 MISS PEEBLES: No.

8 MR. LOVRIC: I'll move on, Judge.

9 BY MR. LOVRIC:

10 Q You didn't allow Ray O'Connor to have contact by
11 mail or otherwise communications with Shannon until the
12 court, Family Court judge decided that there was going to be
13 allowed mail contact, is that correct?

14 A Yes.

15 Q And then my last question is: Exhibit 111?

16 A I think I do recall what 111 is, though.

17 Q It always seems to disappear. Can you see that?

18 A Yes, I can.

19 Q That's the two-page note, document that was faxed
20 to you?

21 A Yes.

22 Q Mr. Fischer asked you about that. I just want to
23 put it up on the screen. We see a date of 11/7/07, 4:24.
24 That's the date this was sent to you, right?

25 A Yes.

Elizabeth Chesebro - Redirect

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1 Q And I asked you, and yesterday you pulled this out
2 of your file that you have with you?

3 A Yes.

4 Q So this isn't the document that was sent to the
5 government or this court, this is a document that came out of
6 your file?

7 A Yes.

8 Q Okay.

9 MR. LOVRIC: That's all I have, Judge.

10 THE COURT: Okay. Mr. Fischer.

11 MR. FISCHER: Nothing further, your Honor.

12 THE COURT: Miss Peebles.

13 MISS PEEBLES: Nothing further. Thank you.

14 THE COURT: Thank you, Miss Chesebro. You may
15 step down, ma'am.

16 THE WITNESS: Thank you.

17 (Witness excused)

18 MR. LOVRIC: Next witness we call is Renee
19 Lang.

20 THE COURT: Okay.

21 THE CLERK: Ma'am, please state your name for
22 the record.

23 THE WITNESS: Renee Lang.

24

25

Renee Lang - Direct

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1 R E N E E L A N G, having been called as a witness, being
2 duly sworn, testified as follows:

3 THE COURT: Okay, Mr. Lovric.

4 DIRECT EXAMINATION

5 BY MR. LOVRIC:

6 Q Good afternoon, Miss Lang.

7 A Good afternoon.

8 Q I'll just ask you to try to use the mike just so we
9 can all hear you, okay?

10 A Okay.

11 Q Miss Lang, for the members of the jury, could you
12 just again please tell us and tell them your full name and
13 just the county that you reside in.

14 A My full name is Renee Marie Lang and I reside in
15 Broome County.

16 Q And Miss Lang, about how old are you right now?

17 A I'm 65.

18 Q And Miss Lang, I'd like to talk about a number of
19 persons that I'll bring to your attention and a number of
20 events, but I'd like to start by asking you, do you know a
21 person named Linda O'Connor?

22 A Yes, I do.

23 Q Do you see Linda O'Connor in court today?

24 A Yes, I do.

25 Q Can you just tell us where she's sitting, just for

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1 the record.

2 A She's sitting out there. She just raised her hand.

3 MR. LOVRIC: Okay. Indicating defendant
4 O'Connor.

5 Q Miss Lang, how long have you known Linda O'Connor?

6 A I would say approximately -- well, a long time, but
7 we became really friendly for about four, five years maybe.

8 Q Okay. When you say you've known Miss O'Connor a
9 long time, how far back? When would you say you got to know
10 her? How old was she when you got to know her or knew of
11 her?

12 A I believe she was about 13 and I knew her through
13 her mother Betty.

14 Q You knew Linda O'Connor's mother as well?

15 A Yes, I do.

16 Q And when you met Linda O'Connor and her mother, in
17 what area, by locale? Was it New York State, was it
18 somewhere else that you got to know them?

19 A It was upstate here, in Deposit, New York.

20 Q Okay. And did you know whether or not Linda
21 O'Connor and her mother had moved from any other area to the
22 Deposit, New York area?

23 A I don't believe so. Betty showed up first and then
24 she got Linda.

25 Q Okay. Now, did you ever know Linda O'Connor's

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1 father?

2 A No.

3 Q Never met him, didn't know who he was or anything
4 like that?

5 A No.

6 Q And the time that you knew Linda O'Connor, was it
7 always in the Deposit, New York area?

8 A Yes.

9 Q And during those earlier years, if I can put them
10 that way, did you -- did you know Linda and Betty well or
11 just knew of them and who they were?

12 A I knew them both very well.

13 Q Now, at some point, to your knowledge, did Linda
14 O'Connor get married to a person named Walter Burkett?

15 A Yes, she did.

16 Q Were you there?

17 A Yes, I attended the service.

18 Q Where was that?

19 A I think it was in East Branch or Fishs Eddy. I'm
20 not quite sure. I'm saying more East Branch.

21 Q Okay. Whereabouts is that, just approximately?

22 A That's on Route 17 east of Binghamton, past
23 Hancock.

24 Q Okay. And did you know Walter Burkett that she was
25 marrying?

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1 A No, I did not. I met him at the wedding and that
2 was -- that was it.

3 Q Okay. And do you know whether or not Linda had a
4 son named Walter Burkett Jr.?

5 A Yes, she did.

6 Q And approximately how old was Linda when that
7 occurred?

8 A Oh, wow. I'm not sure. She came to Deposit and
9 she was already pregnant with the baby. But I'm not -- I'm
10 really not sure. I'm going to say about 17, 18. Right
11 around in there.

12 Q Okay. And did you know Linda in the first few
13 years of Walter Burkett Jr.'s birth?

14 A No, I hadn't seen her.

15 Q Okay. So after this wedding you really didn't have
16 much contact with her for a while?

17 A No.

18 MISS PEEBLES: I'm going to object, your
19 Honor. Relevance.

20 THE COURT: I don't see any relevance.

21 MR. LOVRIC: Just setting background, Judge.

22 THE COURT: How far back are we going to go
23 for background?

24 MR. LOVRIC: I'll move forward.

25 THE COURT: Okay.

Renee Lang - Direct

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1 BY MR. LOVRIC:

2 Q Miss Lang, at the time of the things that we just
3 discussed, at that time were you married?

4 A Yes, I was.

5 Q Who were you married to?

6 A George Lang, Sr.

7 Q And how long were you married to George?

8 A Forty-six years.

9 Q And the place where you and your husband resided,
10 was it in the Deposit, New York area?

11 A Yes, it was.

12 Q Okay. Has it always been pretty much in that area?

13 A Yes.

14 Q Now, I'd like to talk about a time frame that talks
15 and deals about Linda O'Connor residing at 44 Pine Street in
16 Deposit, New York. Did you know Linda at that time?

17 A Yes, I did.

18 Q Who else was residing at 44 Pine Street with Linda
19 O'Connor?

20 A Her daughter Shannon.

21 Q And about how old approximately would you say
22 Shannon was when she and Linda were at Pine Street, just an
23 approximation?

24 A Nine or ten.

25 Q Okay. And at that time, being when they resided at

Renee Lang - Direct

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1 Pine Street, were you attending any church service, places in
2 Deposit, New York?

3 A The Assembly of God church in Deposit, New York,
4 yes.

5 Q And who was the pastor at that church?

6 A Reverend Katherine Myrick.

7 Q Now, has she been the pastor there for quite some
8 time?

9 A Yes, she has always been the pastor there.

10 Q Okay. And at the time that Linda O'Connor was
11 residing at 44 Pine Street with Shannon, do you know whether
12 Linda O'Connor was attending the church of Pastor Myrick?

13 A Yes.

14 Q How do you know that?

15 A I would go to church and I would see her there.

16 Q And did you see Shannon with Linda O'Connor?

17 A Yes, I did.

18 Q And how would you describe the relationship or
19 friendship, if I can just call it, but how would you describe
20 that between you and George and Linda O'Connor at the time
21 that they were residing at 44 Pine Street?

22 A We were friendly. We did talk to each other. We
23 did visit with each other and George did help her with her
24 computer.

25 Q Okay. When Linda O'Connor was living at 44 Pine

Renee Lang - Direct

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1 Street, to your knowledge did George ever go over there and
2 visit Linda at that address?

3 A Alone?

4 Q With -- alone or with you?

5 A With me, yes, we both did.

6 Q What was the purpose to going to Pine Street?

7 A To help her with her computer. She was having
8 problems with it and George was kind of knowledgeable about
9 it.

10 Q Okay. Now, at that time did you know where Linda
11 O'Connor got her computer from?

12 A She bought it from a friend of hers, from the
13 church. Her name was Barbara Conway. I think Barbara sold
14 it to her.

15 Q At that time did your husband George already have a
16 computer?

17 A Yes, he did.

18 Q How would you describe George's interest in the
19 computer and computer kind of stuff?

20 A For himself, he was in love with his computer. He
21 knew everything about it and he enjoyed it.

22 Q How were you with computers?

23 A Totally ignorant. I hated the computers and that's
24 it.

25 Q So you didn't know much about them then. Do you

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1 know much about them today?

2 A No, I do not.

3 Q Okay. And how often would you say George, with
4 you, would go over to Pine Street to help Linda out with her
5 computer?

6 A I'd say at least three or four times a week, yes.
7 Yes. He would teach her how to use the computer and do
8 different things.

9 Q And at that time did you, from time to time, did
10 you see Shannon around at Pine Street?

11 A Yes. But most of the time Shannon was at the
12 school.

13 Q Okay. So this would be like during the week?

14 A Yes. Yes.

15 Q Okay. And during that time when Linda O'Connor
16 lived at Pine Street did Linda O'Connor and Shannon ever come
17 to visit you and George at your place?

18 A Yes, they did.

19 Q How would you describe Shannon at that time, at
20 that age?

21 A At that age she was just a typical little girl. In
22 love with her dolls. Just a little girl. And she was, you
23 know, really happy, that I could see anyway.

24 Q Okay. Seemed like a well-adjusted, regular kid?

25 A Yes. Yes.

Renee Lang - Direct

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1 Q And you said she was in school at the time that you
2 and George sometimes would go to Linda O'Connor's place?

3 A Most of the time, yes.

4 Q Okay. Did you get any sense -- when they would
5 come to visit at your house, did you get any sense how
6 Shannon was performing or doing in school?

7 A Shannon was having trouble in school but she was
8 struggling to try and make it. She was really lax on
9 performing homework, chores and things like that. She had no
10 interest I think at that point.

11 Q Okay. Did she ever express to you or in front of
12 you needing help or needing somebody to help her out with
13 homework and things like that?

14 A Yes. We both did, Linda and I.

15 Q Okay. And the visits by Linda O'Connor and Shannon
16 to your house when they were living at Pine Street, this
17 would occur on the weekends?

18 A Yes, it would. Normally on a Friday and they would
19 go home on a Monday after church.

20 Q So they would stay over at your house sometimes?

21 A Yes.

22 Q Stay overnight?

23 A Yes.

24 Q Now, when George, your husband, was helping Linda
25 O'Connor with her computer, did you know whether or not at

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1 any point they would communicate via computer?

2 A Yes, they did. They used to send little e-mails
3 and pictures and different things to help Linda and to, you
4 know -- whatever they do. They'd talk back and forth, yes.
5 That was e-mails.

6 Q Okay. Now, did you -- at some point did you know
7 that -- whether Linda O'Connor moved to another location,
8 another place after Pine Street?

9 A Yes, she did. She moved to River Street.

10 Q Okay. And then who resided at the River Street
11 house with Shannon?

12 A Linda and Shannon.

13 Q So just the two of them again living at that place?

14 A Yes. Yes.

15 Q Now, at Pine Street you indicated that Linda
16 O'Connor had a computer. Do you know if she had a computer
17 at River Street?

18 A Yes, she did. She took the computer with her.

19 Q The one that she had at Pine Street?

20 A Yes.

21 Q And do you know if at any point while she's living
22 at River Street did she acquire a second computer?

23 A Yes, she did.

24 Q Where did that one come from?

25 A It came from Staples or Circuit City. One of those

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1 stores, yes.

2 Q Okay.

3 A It was brand new.

4 Q Okay. How do you know she bought a second
5 computer?

6 A We went with her.

7 Q When you say we?

8 A My husband and I.

9 Q Okay. And why did George come along when Linda
10 O'Connor went to buy another computer?

11 A Because he knew about computers, and I was no help,
12 of course, and him and Linda got together and spoke to the
13 people and they got the best computer I think that would suit
14 Linda.

15 Q Okay. And then at the River Street house did Linda
16 have both of those computers, the new one and older one?

17 A Yes. To my knowledge she gave the old one to
18 Shannon.

19 Q The one that used to be at Pine Street?

20 A The old one, yes.

21 Q And did you know whether, from the 11 River Street,
22 whether Linda O'Connor and George communicated via computers?

23 A Yes, they did.

24 Q And did you know whether or not Linda O'Connor and
25 George would send each other pictures over -- through the

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1 computer?

2 A Basically, yes. It was -- George was very, very
3 interested in his Native American things, and at that point
4 in time they were exchanging pictures of flags and stuff like
5 that.

6 Q Okay. Did you learn whether they were exchanging
7 other kind of photographs at some point?

8 A Eventually, down the road, yes. My husband was
9 into porn and so was Linda, so they would send porn pictures
10 back and forth.

11 Q Okay. So they began to e-mail each other
12 pornography?

13 A Yes. Adult pornography.

14 Q These were things at some point you saw on the
15 computer?

16 A George tried to show them to me but I wasn't very
17 interested. I blocked off that computer completely.

18 Q Were there times that you were present at your
19 house when George would be on the computer with Linda and
20 they were talking back and forth on the computer?

21 A I'm confused here. Now she would send him e-mails
22 or would they both be together at my house?

23 Q Okay. Maybe I wasn't clear on the question. I
24 guess my question is: Were you ever present in the area in
25 your house where the computer was?

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1 A Yes.

2 Q And were you ever present when George is actually
3 sending Linda something on the computer and getting something
4 back?

5 A Yes. Yes.

6 Q Okay. And were some of those things that were
7 going back and forth pornography photographs?

8 A Adult pornography and adult jokes, yes.

9 Q I'd like to talk briefly about the computer that
10 George had. Where in your house was that computer located?

11 A That was placed in the living room.

12 Q Okay. And you indicated you didn't know much about
13 computers. Did you even know how to turn the computer on?

14 A No. No, I'm sorry, I didn't.

15 THE COURT: We're going to break for lunch
16 now. Be back at 1:30.

17 (Lunch break taken)

18 MR. FISCHER: We have Miss Lang's diary.
19 Actually, I don't know if the witness should be here. I
20 should have raised it earlier. I'm sorry.

21 THE COURT: Well, she can step outside for a
22 minute.

23 MR. FISCHER: If you wouldn't mind.

24 THE COURT: Would you step outside.

25 THE WITNESS: Okay.

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1 (Witness excused temporarily)

2
3 MR. FISCHER: Thank you, your Honor. The
4 prosecution has provided us with a copy of Miss Lang's
5 diaries. In an entry dated 9/29/06, Miss Lang expresses her
6 opinion, and I quote, "I honestly feel she," being Shannon,
7 "has been molested by someone." I just want to, in advance
8 make sure that that opinion, unless it's for some purpose
9 other than to show that she was in fact molested by someone,
does not be presented to the jury.

10 THE COURT: Mr. Lovric.

11 MR. LOVRIC: Judge, I thought the diary would
12 come in, but I thought part of what we were doing with
13 Elizabeth Chesebro was bringing in opinions of hers or her
14 belief or not belief of Shannon and what happened to Shannon
15 and those kind of things, and I thought that was already over
16 as far as the defense was concerned.17 THE COURT: We're dealing here with a lay
18 opinion, Mrs. Lang's lay opinion. She's not being produced
19 as an expert. The statement read to you by Mr. Fischer is
20 based upon her observation. If she had said in that diary, I
21 think Shannon has been struck because I see a bruise, that
22 would come in. But molested has a lot of components in it
23 that the average person, to look at someone or observe them,
24 unless there's certain predicates, wouldn't be able to form
25 that opinion. Now if those predicates are here, they're

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1 going to come in later. I don't know what's going to happen.

2 MR. LOVRIC: The only thing that I point out
3 is, Liz Chesebro was a lay witness. She's not an expert.

4 THE COURT: Because people didn't object,
5 witness is being from one evidence, doesn't mean that rule of
6 evidence and people can't object to something the next
7 witness is going to say, does it?

8 MR. LOVRIC: No, Judge. I agree with you. I
9 don't think -- I don't have any problem with that standing.
10 What I do, defendant Sacco, through Elizabeth Chesebro, went
11 into things she did or didn't believe with Shannon --

12 THE COURT: If some of those things were
13 inadmissible opinions, then an objection could have been
14 raised and the Court could have ruled on it. The Court can't
15 look inside your head and say, you know, this isn't right.
16 I'm not going to say anything, maybe the judge will sustain
17 me.

18 MR. LOVRIC: My point is, the defendant waived
19 that objection.

20 THE COURT: Where does this waiver stuff come
21 in? Show me the rule of evidence, somebody waiving their
22 right to make an objection from another witness, even the
23 same witness.

24 MR. LOVRIC: If the defendant brings it out,
25 initially, and then we go back to that same topic and the

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1 defendant objects, he can't object to something that he
2 injected into the trial, that he disclosed to the jury. It's
3 a common sense rule, Judge. I mean, otherwise the defendant
4 could get up and artfully get out of the witness what he
5 wants and then when the government wants to go back to that
6 same topic, I object because that didn't come in.

7 THE COURT: This isn't at all like that
8 situation, is it? If the diary does come in, that statement
9 can be redacted. Unless somebody can elicit why Mrs. Lang
10 had that opinion, it's based upon observations she made of
11 Shannon.

12 MR. LOVRIC: Well, it is based upon her
13 conversations with Shannon. I mean, she just didn't dream it
14 up. In the diary she said she discussed it with Shannon.

15 THE COURT: Maybe we ought to bring her in and
16 have a proffer before we get the jury in.

17 MR. LOVRIC: I can show you the diary. I
18 don't know if that helps. I know defense has copies of it.

19 THE COURT: Not going to help. I want to know
20 what Mrs. Lang said about how she formed that opinion.
21 That's what the rule says, doesn't it?

22 MR. LOVRIC: Yes. That's correct.

23 THE COURT: Let's get her on the stand.

24 (Jury excused)

25 THE COURT: All right. Mrs. Lang, in your

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1 absence Mr. Fischer informed the Court that there may be an
2 introduction into evidence of a diary that you kept at one
3 time or another and in that diary we -- the Court was told
4 that you expressed an opinion that you had a belief that
5 Shannon was molested.

6 THE WITNESS: Yes.

7 THE COURT: The Court wants to know, what was
8 the basis for that belief?

9 THE WITNESS: Okay. It was from her actions
10 in the way she would go around rubbing her stomach and trying
11 to, you know -- just her actions. I could tell there was
12 something deep rooted and wrong. I had known Shannon for
13 many years and she was never like that. When she came to me,
14 she was very secretive and she was really nervous and she
15 would rub her stomach, want to watch the baby programs, like,
16 you know, Bringing Home Baby and stuff like that, and I
17 wasn't too thrilled about that, but she insisted that it
18 would help her to get through school, sex education class, so
19 I agreed. I said, that's fine. I watched a movie with her
20 on Lifetime about an underage child who got pregnant and had
21 a baby and she got very emotional and ran in her bedroom.

22 THE COURT: Okay. Well, you can ask -- you
23 can tell us all the things you just said, but that opinion is
24 not admissible.

25 MR. LOVRIC: I don't know if the Court

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1 wants --

2 THE COURT: You can.

3 BY MR. LOVRIC:

4 Q Hi, Miss Lang.

5 A Hi.

6 Q During the time that Shannon was with you in August
7 of '06 until about October 11 of '06 --

8 A Right.

9 Q -- did Shannon ever tell you anything regarding --
10 either anything regarding Mr. Sacco or anybody else, about
11 being afraid or in any way being or any way characterize
12 anything of a sexual nature about those persons?

13 A A sexual nature, no. But she did tell me she
14 didn't like him. She was afraid of him. She didn't want him
15 around. She resented him. And she was afraid at one point
16 when she came to me that Linda and him were going to come and
17 take her away and bring her back to Norwich. And I told her
18 no, that the courts gave her custody to me and that nobody
19 was going to come and hurt her or harm her in any way.

20 MR. LOVRIC: Can I ask her about a note that
21 she made in her diary, Judge?

22 THE COURT: Yes, you can.

23 Q I read in your diary you indicated that Shannon had
24 said something to the effect that --

25 MR. FISCHER: Can we have a date?

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1 MR. LOVRIC: Of the diary?

2 MR. FISCHER: Yes.

3 MR. LOVRIC: I'll have to find it. I believe
4 it's under 9/29. I'm just trying to find it, Miss Lang.

5 THE COURT: Okay.

6 MR. LOVRIC: I can't find the entry, Miss
7 Lang.

8 BY MR. LOVRIC:

9 Q My question was: Do you remember whether Shannon
10 told you anything to the effect that Mr. Sacco was a pervert?11 A Once she got there, yes, she did. She said he was
12 a pervert and she hated him and she didn't want to be around
13 him. That was all she said.

14 MR. LOVRIC: That's all I have, Judge.

15 MR. FISCHER: Your Honor, may I please?

16 THE COURT: I'm sorry?

17 MR. FISCHER: May I briefly ask the witness a
18 few questions please?

19 THE COURT: Sure.

20 BY MR. FISCHER:

21 Q Ma'am, you've reviewed your diary?

22 A Yes.

23 Q Did you also review the statement that the FBI took
24 March 3 of 2008?

25 A No, I did not, but my children did.

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1 Q Would it surprise you if I told you that in your
2 diary there's nothing mentioned about Mr. Sacco or him being
3 a pervert but in the March 3, 2008 report by Mr. Lyons that
4 that is mentioned? Would that surprise you?

5 A No. Because she did say, and I probably omitted it
6 from the diary because I kept the diary at the end of the
7 day.

8 MR. FISCHER: For the record, your Honor, I'd
9 like to mark the exhibits and offer them for this purpose
10 only if there was a question as to what was said in the diary
11 and what was said in the FBI report. Because I read the
12 diary. It doesn't say anything about the subjects Mr. Lovric
13 asked about.

14 THE COURT: It's going to depend on how those
15 questions and issues come up. Certainly keep your options to
16 do that. Mr. Lovric, are you all set?

17 MR. LOVRIC: Yes, Judge.

18 THE COURT: Want to bring the jury in please,
19 Colleen.

20 (Jury present)

21 THE COURT: Okay. Mr. Lovric.

22 DIRECT EXAMINATION CONTINUED:

23 BY MR. LOVRIC:

24 Q Good afternoon, Miss Lang.

25 A Good afternoon.

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1 Q Try to speak into the microphone.

2 A Good afternoon.

3 Q Thank you. That's better. Miss Lang, when we
4 broke for lunch, we were talking about George's computer.
5 You indicated that it was in the living room area of the
6 residence?

7 A Yeah.

8 Q Can you just basically describe the residence at
9 the time that we're talking about, your residence where the
10 computer was and -- where were the other rooms in relation to
11 the computer?

12 A Okay. The living room was where the computer was.
13 It was my chair, the computer, and a big round sofa. Okay.
14 Then there was a hall that led down to the back bedroom, to
15 the back bathroom, and then to a bedroom right off the hall.
16 And the kitchen area, right off the living room was my
17 bedroom, the laundry room and my personal bathroom.

18 Q Okay. And how many bedrooms were there?

19 A Three.

20 Q Okay. And where was the third bedroom, if I can
21 call it that?

22 A Okay. It would be my bedroom, the middle bedroom,
23 and I guess the bedroom that Linda and Shannon slept in would
24 be considered the third bedroom.

25 Q Okay. The bedroom that Linda O'Connor and Shannon

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1 would stay in, where was that bedroom in relation to the
2 bedroom that you would be in?

3 A The other end of the house.

4 Q So on opposite ends of this long hall?

5 A Yes. Yes. It was separated by the living room,
6 the kitchen and my bedroom.

7 Q Okay. So they're on opposite ends, I take it?

8 A Yes.

9 Q And the living room is somewhere in the middle?

10 A Yes.

11 Q The computer that was in the living room, to your
12 knowledge, did George allow anybody else to use that
13 computer?

14 A No. That was his baby and nobody was to touch it.

15 Q Did you ever see anybody use his computer or go on
16 his computer?

17 A No.

18 Q Did he make it clear to you that nobody else was to
19 touch that?

20 A Yes. That was his.

21 Q To your knowledge, did he have any password or
22 passwords needed to get on the computer?

23 A The only password I could think of that he did use
24 quite frequently would have been "Halfbreed".

25 Q Okay. And how did you know that or how did you

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1 come to learn that?

2 A He always used "Halfbreed" for everything, and I
3 think he once told me, because he wanted to teach me the
4 computer, and he says, you have to have a password. Mine's
5 "Halfbreed". And I told him I didn't want any part of the
6 computer so I didn't worry about a password.

7 Q Okay. The computer that was in your living room,
8 were you ever -- were you ever there when George was on the
9 computer?

10 A Yes.

11 Q Did he spend a lot of time on the computer or a
12 little bit? How would you describe it?

13 A A great deal of time. It was his pastime, his toy,
14 his baby, yes.

15 Q How would you describe the amount of time that
16 George spent on the computer communicating with Linda
17 O'Connor?

18 A I do believe that they spoke mostly in the evenings
19 during the week. Sometimes during the day but mostly
20 evenings.

21 Q When you say they spoke, what do you mean they
22 spoke?

23 A Sent e-mail messages back and forth.

24 Q Okay. Once in a while or was it a lot?

25 A Oh, they contacted each other quite a bit, yeah.

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1 Q Now, the -- the computer that Linda O'Connor had,
2 the two computers that we talked about at the River Street
3 residence, did you actually see those computers there?

4 A Yes, I did.

5 Q Did you ever go over to River Street to visit Linda
6 O'Connor?

7 A Yes, I did.

8 Q Would George go with you or would you go sometimes?

9 A Yes, I did. George did come with me.

10 Q Okay. Did you ever go there without George to stop
11 in on her?

12 A Once in a while, if George was busy doing
13 something. Yeah, he would leave me there and I would visit,
14 we'd have coffee or iced tea or whatever.

15 Q Okay. You say "we," you and Linda O'Connor?

16 A And Shannon probably too at that point. Because it
17 was late in the day most likely.

18 Q Okay. Did you ever -- in visiting Linda O'Connor
19 at the River Street residence, did you ever observe or talk
20 to her about her financial situation?

21 A We did to a certain percentage, yes. Yes.

22 Q Okay. Did you make any observations about Linda's
23 finances and how she was doing or getting along or able to
24 get along financially?

25 A I think she was really struggling and having some

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1 problems.

2 Q What makes you believe that?

3 A Well, they would turn off her TV, they would turn
4 off her telephone. They would turn off her computer and she
5 would go to another computer company. Things like that.

6 Q In the time that you were visiting her, did you
7 ever see mail or late notices or did she ever talk to you
8 about those kinds of things?

9 A No. I don't believe really she did. She might
10 have mentioned it, but I never saw the notices.

11 Q Do you know whether the place she was staying at,
12 River Street, was she renting or did she own that?

13 A She was renting the downstairs apartment.

14 Q Okay. Do you know whether she had any difficulties
15 paying that rent?

16 A Yes, she did.

17 Q How do you know that?

18 A Because she got a 30-day notice or 32-hour notice
19 or something like that.

20 Q A notice for what?

21 A To pay the rent or get out, you know. This was it.
22 But she did have problems with paying the rent.

23 Q Okay. That notice, was that some type of eviction
24 notice that she got?

25 A I guess. If I recall, the landlord himself brought

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1 it over to Linda and handed it to her.

2 Q Okay.

3 A So it was kind of a thing, you know, get out or pay
4 me.

5 Q Now, did you -- from time to time when George would
6 go with you to Linda's -- at the River Street place, did you
7 and George from time to time drive Linda around or take her
8 places she needed to go?

9 A Yes, we did. Yes.

10 Q Was that something that was frequent or just once
11 in a blue moon?

12 A Oh, no. We always drove around together to the
13 stores and stuff like that.

14 Q How did Linda and -- Linda O'Connor, how did she
15 and George get along at this time when she's living at River
16 Street?

17 A They got along very well.

18 Q Very good terms?

19 A Very good terms, yes.

20 Q Now, did you ever -- did you ever go to River
21 Street and observe Linda or Shannon in any state of undress?

22 A Yes.

23 MISS PEEBLES: Objection. Leading.

24 MR. LOVRIC: I'll rephrase it, Judge.

25 Q Miss Lang, could you tell us what you know about

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1 Linda O'Connor and Shannon being in a state of undress, if
2 you know anything about it?

3 A One day when I went in -- and normally the door was
4 open. Like she'd come to my house, knock on the door, walk
5 in. Well, I knocked on the door and I walked into her
6 apartment and they were totally nude, and I kind of screamed
7 and hollered about that and spoke to her about that, you
8 know, at least lock your door. You know, don't walk around
9 nude with the door open, or unlocked, I should say. And they
10 did get dressed, they put on some underclothes at that point.
11 And after that the door was always locked, so I don't know
12 whether they were walking around in just their underwear, no
13 clothes.

14 MISS PEEBLES: I will object, your Honor.
15 Objection.

16 THE COURT: The last part, door was locked,
17 that can stand.

18 Q This event when you went over to Linda O'Connor's
19 residence, you walk in and she is completely naked?

20 A Her and Shannon, yes.

21 Q And Shannon, completely naked.

22 A Yes.

23 Q And Linda O'Connor was about how old at that time?

24 A Oh, I don't know how old she was. Shannon was,
25 well, 9 or 10. I don't know how old Linda was at that point.

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1 But it was a very warm apartment. Very little ventilation.
2 The landlords did not let them open the windows so she had
3 fans, and it was during the summer.

4 Q Okay. When you walked in on this occasion, where
5 was Linda when you first saw her naked, where was she?

6 A In the living room.

7 Q Where was Shannon?

8 A I believe Shannon was in the kitchen.

9 Q And did Linda say anything about what they were
10 doing or -- when you walked in?

11 MISS PEEBLES: Objection.

12 A No.

13 MISS PEEBLES: Your Honor --

14 A No.

15 THE COURT: Overruled.

16 Q And then after that, after that event, were you
17 able to ever walk in on your own?

18 A No. They did keep the door locked.

19 Q Now, when Linda O'Connor lived at the River Street
20 residence, were there times on weekends that she and Shannon
21 would come to your and George's house and spend the weekend
22 and spend the night, overnights?

23 A Yes, Friday, Saturday and probably half a day on
24 Sunday because we would take her home after church.

25 Q Where would Linda O'Connor and Shannon stay at

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1 night in your residence?

2 A That would be in the back bedroom, the third
3 bedroom we were talking about.

4 Q Okay. And in relation to your bedroom again, where
5 is that bedroom that they were staying in?

6 A They're at opposite ends of the house.

7 Q Okay. Now, at that time, Miss Lang, what was your
8 medical condition like around that time when they were coming
9 and spending weekends?

10 A I was having a lot of emotional problems. I was
11 dealing with diabetes very badly and it wasn't under control.
12 Emotional stress because of the fact that, you know, I
13 couldn't get my sugar under control and I couldn't eat
14 certain foods. I had to take certain medicines and -- it
15 really upset me at that point in time. One time I really,
16 really did get very sick and they wound up putting me on a
17 nerve medicine to calm me down.

18 Q Okay. At that time were there ever occasions when
19 you would -- in the evening hours when you would stay up with
20 George and Linda O'Connor and Shannon in the living room area
21 when you would be sitting around watching television or just
22 be kind of hanging out in the living room?

23 A Yeah.

24 MISS PEEBLES: Objection. I'd like a
25 foundation, time frame, Judge.

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1 THE COURT: Can you give us a time frame.

2 MR. LOVRIC: I guess let me rephrase that,
3 Miss Lang.

4 Q What I'm trying to ask you is, at the time when
5 Linda O'Connor's living at River Street, you indicated from
6 time to time on weekends she would come over to your and
7 George's place and stay over the weekend?

8 A Yes.

9 Q Okay. On occasions when they did that, while they
10 were living at River Street but coming to stay at your place
11 on weekends, were there times when all of you'd be gathered
12 in the living room, just kind of hanging out?

13 A Yes.

14 Q And what would happen towards the evening hours to
15 you as far as your being able to stay awake and kind of hang
16 around with them?

17 A No. I was still having problems with my sugar and
18 my high blood pressure and George would always encourage me
19 to stay awake, stay awake. About 9, 9:30 at night my eyes
20 would just close and I'd be a very bad snorer. I could win
21 an award for snoring. I'd wake myself up sometimes. But
22 they would turn around and say, why don't you just go to bed,
23 and I took the advice and I did go to bed.

24 Q Were you a pretty sound sleeper?

25 A Yes. Yes.

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1 Q When you would go off to bed where would George,
2 Linda and Shannon be?

3 A In the living room, probably on the sofa. George
4 would sit at the end, Shannon would kind of maybe sit in the
5 middle, and Linda would lie on the other end there with a
6 pillow, and sometimes Shannon would lay on the floor with a
7 pillow. It was a very big sofa. It was curved.

8 Q Okay. I take it, due to your condition as you
9 described and medications, you would pretty much be out of it
10 once you went to bed?

11 A Exactly. I would fall asleep, not hear a thing.

12 Q Now, Miss Lang, at some point in time during the
13 time that Linda O'Connor is at the River Street residence,
14 did there come a point when you learned something about Linda
15 O'Connor to be adopted by George?

16 A Well, Linda had initiated an adoption process that
17 she wanted us, my husband and I, to adopt her and Shannon.
18 My husband was all for that and I was kind of for that myself
19 at that point. Because she had nobody that really cared. No
20 friends, no family, and she wanted to be part of a family and
21 so did Shannon.

22 Q So this adoption idea was whose idea?

23 A Linda's, and we were agreeable to it.

24 Q How did you first learn about it? From whom did
25 you first learn about it?

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1 A Linda and George and I talked about it.

2 Q Okay. At that point in time, does Linda have any
3 other family members in the area anywhere that you're aware
4 of?

5 A I think her son was living in Binghamton at that
6 point in time but they had no contact with each other, and I
7 believe her mother was living in Newark -- New York City.
8 Other than that, no, I don't believe there was any other
9 relatives.

10 Q Okay. And what was -- did the rest of your family
11 know about this adoption issue?

12 A Yes, they did.

13 Q You have family members?

14 A I have seven children and grandchildren and they're
15 all married and out and on their own with their own families.

16 Q And did your other family members talk to you about
17 this adoption thing?

18 A They completely objected. They did not like Linda.

19 MISS PEEBLES: Judge, I'm going to object.

20 THE COURT: Sustained.

21 Q How did that adoption thing work out? What
22 happened to it?

23 A It just went away by itself. It never took place.
24 We never did adopt her or Shannon, and as far as I know,
25 according to what Linda had told me, she couldn't afford to

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1 pay the lawyer fee so she never did get adopted.

2 Q The sending and e-mailing of pornography between
3 George and Linda O'Connor, was that something that was
4 frequent and usual when they were communicating with each
5 other?

6 A I don't really know, to be honest.

7 MISS PEEBLES: I'll object, your Honor.

8 THE COURT: Hold on a second.

9 MISS PEEBLES: Objection.

10 THE COURT: What's the basis?

11 MISS PEEBLES: The characterization of usual.
12 Foundation.

13 THE COURT: Well, yeah. Rephrase it.

14 MR. LOVRIC: I'll rephrase it.

15 BY MR. LOVRIC:

16 Q Miss Lang, the sending of pornography back and
17 forth, how often did that happen, if you know?

18 A Honestly, I do not know. When he was on the
19 computer, I just kind of built an imaginary wall between him
20 and I because I didn't approve of pornography, and him and
21 Linda did this, it was something that they shared, but I
22 don't know how often because I wasn't watching the computer.

23 Q Miss Lang, did Linda O'Connor at some point talk to
24 you about obtaining a sex toy?

25 A Yes.

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1 Q And can you tell us how that happened.

2 A Basically, Linda had talked to George about sex
3 toys. This was the male organ kind of a sex toy, and she had
4 expressed a desire to have one, and she said she was too
5 embarrassed or ashamed to go into the novelty store to buy it
6 herself. And she really wanted one. And so one day when we
7 went to Binghamton, my husband did pull into the novelty
8 store and buy her the sex toy, the male organ.

9 Q Did somebody give that sex toy a name?

10 A Linda called it "Georgie Boy".

11 Q And during the time that Linda O'Connor and
12 Shannon -- at any time during the time Linda O'Connor and
13 Shannon stayed at your residence, did you become aware
14 whether Linda O'Connor had used that sex toy in the presence
15 of Shannon?

16 A Yes. Shannon came out one day.

17 MISS PEEBLES: Objection, your Honor.

18 THE COURT: Sustained.

19 MR. LOVRIC: Could I ask why, Judge?

20 THE COURT: This is a conversation she's
21 reporting that Shannon told her these things.

22 THE WITNESS: Yes.

23 MR. LOVRIC: It's not being offered for
24 whether it happened. It's being offered to the state of mind
25 of Shannon when she testifies about certain things that she

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1 did, that were brought up by the defense, I might add, with
2 Elizabeth Chesebro.

3 MISS PEEBLES: Judge, it's hearsay.

4 THE COURT: Well, if it's not being offered
5 for the truth of the matter like some of the things that were
6 offered before, if it's being offered to show what the
7 witness' state of mind was at the time, then it can come in
8 for that purpose only. And that's all the jury can consider
9 it for.

10 BY MR. LOVRIC:

11 Q Answer.

12 A Yes. She did use the sex toy down in the bedroom.
13 Shannon was there sleeping in the other bed, and then one day
14 Shannon came out and she looked like she was death warmed
15 over. She was so tired. I said, are you sick? Don't you
16 feel good? She says, no, I'm fine, Grandma, but Mommy had me
17 up all night playing with Georgie Boy and I didn't get any
18 sleep.

19 Q That was in the bedroom that they shared?

20 A Yes. Yes.

21 Q During the time that Linda O'Connor and Shannon
22 visited on weekends at your residence, did you ever see
23 anyone provide any alcohol to Shannon?

24 A One night when we bought the computer, the second
25 computer, the new computer.

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1 Q For Linda O'Connor?

2 A Yes. Linda bought that computer. She went across
3 the street and we both walked into the liquor store and she
4 bought this bottle of vodka. At that point in time she
5 brought it home and I think George was making screwdrivers at
6 that point. I had one and him and Linda had a few, and
7 Shannon expressed a desire to have one, and I believe it was
8 Linda that got up and made her a very weak vodka and orange
9 juice drink. I kind of objected. I was told to shut up,
10 mind my own business, that Shannon was her daughter and that
11 she would do what she wanted. And I turned around, finished
12 my drink and went to bed.

13 Q Did you at that point know whether or not Shannon
14 had been given alcohol on prior occasions prior to that
15 event?

16 A No.

17 Q Miss Lang, do you recall the flood approximately in
18 June of 2006?

19 A Yes.

20 Q I take it that area was fairly heavily damaged and
21 flooded, generally, the locale in that area?

22 A Deposit, yes, it was.

23 Q And did you -- did you learn or did you know where,
24 immediately after the flood, where Linda O'Connor and Shannon
25 went to live?

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1 A They went to stay with a friend called Pat who was
2 on Front Street, and then during the course of the middle of
3 the night, the boats came and had to take Pat and her
4 children and her dog and Linda and Shannon, and I believe
5 they went to Assembly of God Church where the Red Cross had
6 set up a meeting place, you know, with food, clothes, coffee,
7 things like that.

8 Q And after the initial flood, that couple of days,
9 do you know where Linda O'Connor and Shannon went to reside
10 or stay for the short term?

11 A Well, she supposedly, I heard -- now her and I were
12 not to --

13 | MISS PEEBLES: Objection.

14 THE COURT: Sustained.

15 Q Miss Lang, at some point did you have any
16 discussions with George about them coming to stay or live
17 with you?

18 A Yes. He wanted me to call them up to tell her to
19 stay with us because they were homeless, pictures of
20 furniture floating in a house on TV is exactly what happened.

21 Q What did you say to that?

22 A And I said no. I had two other family members who
23 were standing with no home, no nothing, and I was not going
24 to take Linda and Shannon in at that point. I said no.

25 Q What was George's reaction to that?

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1 A He was angry about it and we did argue, but -- I
2 won and they were not invited.

3 Q Now, Miss Lang, George passed away at some point,
4 is that correct?

5 A July 20, 2006.

6 Q And was that approximately about a month or so
7 after the flood that we just talked about?

8 A Yes. Yes. I believe the flood was the 6th of June
9 and George passed away on the 20th of July.

10 Q Now, just prior to the passing away of George and
11 the flood, prior to that time frame, what was the
12 relationship like between Linda O'Connor and George?

13 A We had differences, and at that point in time I do
14 not believe Linda and Shannon or George were talking to each
15 other. Something happened and they split their friendship.

16 Q About approximately -- if you can put a time frame,
17 about how long prior to -- if I can use the flood as a
18 guiding post, about how long prior to the flood of '06 in
19 June did this relationship between Linda O'Connor and George
20 dissipate or end?

21 A Okay. Flood was in June. I'm saying around March,
22 maybe April. Right around in there someplace.

23 Q Of that some year, '06?

24 A Possibly even after the first of the year.

25 Q Okay. So --

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1 A There was months that they didn't talk, that we had
2 no contact with them.

3 Q So a number of months?

4 A Yes.

5 Q A few months, several months, whatever?

6 A Right, right.

7 Q A fair characterization. Just several months,
8 approximately?

9 A Right. Right.

10 Q Do you know what happened, what caused this?

11 A Rift between George and Linda?

12 Q Yes.

13 A No. They had their own private argument, but I had
14 broken my relationship with Linda before that.

15 Q Okay. So, prior to that, you and Linda O'Connor
16 were not on good terms?

17 A We were not really talking, friendly or anything
18 like that.

19 Q Why's that?

20 A We had gotten into an argument at my house in my
21 kitchen. I just don't remember what the argument was about,
22 but it was a very heated argument and she turned around and
23 slapped me in the face. And I got very angry about that. I
24 mean, this is my house, I opened it to you in friendship, you
25 slap me in the face. So I turned around, I had groceries on

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1 the table and I had yogurt, slammed it on her head, smacked
2 her around my kitchen, smacked her into the living room, and
3 that was basically my break with Linda.

4 Q Was George present when this happened?

5 A Yes.

6 Q What was his reaction?

7 A I think he was in a state of shock because I had
8 never ever gone after anybody. It's just not my nature. And
9 I was angry. He separated us, and Linda did apologize, but
10 it didn't really make a difference. I was very annoyed by
11 the fact that she could turn around and slap me in the face.

12 Q And that's when pretty much you and she stopped
13 speaking?

14 A Yeah. We broke our relationship. It drifted off
15 right after that, yes.

16 Q Now after that event, did Linda O'Connor and
17 Shannon continue on some occasions to come to your residence?

18 A That's a good question. I think they did. I think
19 they did because George kind of smoothed it over.

20 MISS PEEBLES: Objection, Judge.

21 THE COURT: Hold on.

22 MISS PEEBLES: Objection.

23 THE COURT: To what?

24 MISS PEEBLES: I think I did -- it's
25 speculation.

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THE COURT: She can tell us what she knows about it. Right. She can't speculate.

BY MR. LOVRIC:

Q To the best of your knowledge?

A I do believe that she did visit a few occasions after that, yes.

Q Why or how was it that she would come?

A Because George really had a friendship with her, and his childhood and her childhood were kind of similar, you know. Neither one of them finished school. He had no friends. His family was just his mother and father and he didn't get along with his brothers and sisters. So, he felt alone like she did. And as far as having friends, there wasn't many, you know, so he really kind of felt sorry for her and he could relate to how she lived and what she was going through.

Q Did you at any point suspect that George had a relationship with Linda O'Connor?

MISS PEEBLES: Objection. Objection.

THE COURT: Sustained.

Q Were you ever present when anyone talked to George about this issue?

MISS PEEBLES: Objection.

THE COURT: Sustained.

MR. LOVRIC: Judge, I'm offering this for a

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1 purpose related to the charges in the case.

2 MISS PEEBLES: It's hearsay.

3 THE COURT: You're offering it for the truth,
4 aren't you?

5 MISS PEEBLES: Yes.

6 MR. LOVRIC: I'm sorry?

7 THE COURT: You're offering it for the truth,
8 are you not?

9 MR. LOVRIC: No. But I'd be willing to
10 explain at side-bar.

11 THE COURT: You're going to have to because I
12 don't understand it.

13 (At the bench)

14 MR. LOVRIC: Shannon is going to testify that
15 she caught George and Linda in sexual activity and Shannon's
16 going to testify that it was following that she then was
17 brought into -- by Linda and George into sexual activities,
18 and part of why she was brought in is because Shannon
19 believed because she -- her mother and George were in a
20 relationship, that it was expected of her to come in and to
21 do whatever it is that the two of them wanted. So -- and the
22 other part is -- I'm sorry. Go ahead.

23 THE COURT: It seems to me that that's -- even
24 though these things may be linked together in a fashion, what
25 George told her about having sex with Linda, I'm not sure how

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1 that implicates -- unless you've got some direct evidence of
2 that from Shannon, which you do have, right?

3 MR. LOVRIC: Shannon will say that.

4 THE COURT: I don't see how that you're not
5 offering it for the truth of what occurred because you're
6 using that as a predicate to show why Shannon came in when
7 she did and how she did.

8 MR. LOVRIC: Right. It's Shannon's state of
9 mind when she first became involved in the sexual activity
10 that Shannon believed and felt that these two were in a
11 relationship already and then through her mother she was
12 required to partake in that relationship. That's correct.

13 MISS PEEBLES: And that's still hearsay and we
14 still have a rule of evidence --

15 THE COURT: Well, yeah, they do, but if it's
16 being offered for the state of mind only.

17 MISS PEEBLES: Anything could be argued it's
18 for state of mind.

19 THE COURT: You frequently argue with that. I
20 appreciate that.

21 MR. LOVRIC: I think I said that earlier in
22 one of my objections.

23 MISS PEEBLES: But actually, your Honor, the
24 only allegation comes from Shannon herself, and Shannon --
25 and anything else is pure speculation, and we know, because

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1 we spoke to Renee about this, it's all speculation on her
2 part. She has no idea. That's the bottom line. I think
3 it's misleading and I don't think it's fair.

4 THE COURT: What do you anticipate the witness
5 is going to say to answer the question?

6 MR. LOVRIC: She was present when her son
7 confronted George and they had a heated argument over it.
8 And George denied it. But it was the way that the event
9 occurred that was in my mind telling. But you know what,
10 Judge, I'll move on, you know what, because it's not worth
11 it. I'll move on. I'm sorry I wasted everybody's time.

12 (In open court)

13 BY MR. LOVRIC:

14 Q Miss Lang, after your husband passed away in July
15 of 2006, did there come a point in time -- let me first ask
16 you, after July of '06 did Linda O'Connor ever come to your
17 residence again to visit?

18 A No.

19 Q And then did there come a point in time after July
20 of 2006 that you ended up taking Shannon in to live with you?

21 A Yes.

22 Q Okay.

23 A It was around the middle of August.

24 Q Of the same year?

25 A Yes.

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1 Q And how do you recall that occurring, that she came
2 to live and stay with you for a while?

3 A Chenango Social Services Family Services called me
4 and told me they had taken Shannon away from Linda, and I
5 guess it was at Shannon's request that she wanted to come and
6 stay with me because she had to give them my name, my
7 address, my phone number, and that's how they contacted me.

8 Q And did she -- did she end up coming and staying
9 and living with you sometime in August of '06?

10 A For approximately six weeks, yes.

11 Q Do you recall about when was it until she remained
12 in your custody and lived with you?

13 A Until Family Court was -- I think it was somewhere
14 in October. 11th, 12th, right around in there.

15 Q Okay. Same year, 2006?

16 A 2006, yes.

17 Q Okay. And at the time that Shannon was going to be
18 coming to live with you, stay with you in August of 2006, did
19 you actually go to Family Court sometime in August of 2006?

20 A Yes, I think I did, where they gave me full custody
21 of Shannon.

22 Q Okay. And that was in some kind of a court
23 setting?

24 A Yes. Yes, it was.

25 Q And at that time when Shannon came to live with

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1 you, via the court, family, did you know much, if at all,
2 about what had happened with Shannon in the weeks or month or
3 so preceding that? Did you know much about that or any of
4 that?

5 A No. She never shared any of the issues and
6 problems that were going on up in Norwich. I have no
7 knowledge of any of it.

8 Q Did Social Services provide you any information or
9 tell you anything that had been taking place in Shannon's
10 life?

11 A No. Just they took her away from Linda for
12 neglect.

13 Q Did they get specific about what it was about?

14 A No. Well, she wasn't caring for her. That was all
15 I knew.

16 Q Now, do you recall the first day that Shannon came
17 home with you?

18 A Yes, I do.

19 Q Can you describe that day, what was she like?

20 A Well, she was very happy. She come running up to
21 me and gave me a hug and saying to me, she says, you know
22 that I can stay with you, Grandma, I want to stay with you.
23 I want to live with you. And, you know, I was happy. Then
24 when we got in the house, she was telling me that she hated
25 her mother. She hated Mr. Sacco. She didn't want to be

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1 around him, that he was a pervert, and her mother, she
2 resented her mother terribly because of the fact that Mr.
3 Sacco --

4 MISS PEEBLES: Objection.

5 THE COURT: Sustained.

6 MR. LOVRIC: I'm offering the statement
7 Shannon made at the time that they were made to establish her
8 state of mind when she comes into this witness' custody.

9 THE COURT: You asked what was Shannon like,
10 that was your question, and she began by describing Shannon's
11 happiness and how she hugged her and came in the house, and
12 now she is beginning without a question to tell us statements
13 that were made by the witness.

14 MR. LOVRIC: All right. Judge, I'll ask a
15 question.

16 THE COURT: That would be a good idea.

17 MR. LOVRIC: Thank you.

18 BY MR. LOVRIC:

19 Q That first day when Shannon came to live with
20 you --

21 A Yes.

22 Q -- and after you brought her to the house, did she
23 describe or tell you what it was that occurred and why she
24 was happy to be with you?

25 A Actually she did not describe any of the goings-on

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1 up in Norwich. As I said before, I had no knowledge but she
2 was very depressed, very emotional, glad to be with me, of
3 course, and she just kept saying, if my mother --

4 MISS PEEBLES: Objection, your Honor. It's
5 hearsay.

6 THE COURT: Being offered for the state of
7 mind of Shannon O'Connor.

8 MR. LOVRIC: Yes.

9 THE COURT: For that purpose only.

10 BY MR. LOVRIC:

11 Q Go ahead, Miss Lang.

12 A Okay. She told me if her mother thought that Mr.
13 Sacco was going to take care of her and babysit her while her
14 mother had gone to the hospital -- I believe at that time
15 Linda was sick and going to the hospital -- her mother was
16 crazy. She says, I'm not going to stay with that man. He is
17 not going to babysit me. I'd sooner run away or I'd sooner
18 kill myself.

19 Q Did she say why?

20 A She did not like Mr. Sacco and she was very
21 emotional about it when she showed up on my doorstep. I
22 believe she would have really tried to kill herself because
23 she was already slicing her arm, slices. She was harming
24 herself, so that's how depressed and emotional this child
25 was.

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1 Q Did she say anything about Mr. Sacco as far as what
2 he was or what she believed he was?

3 A She hated him.

4 MR. FISCHER: Objection, Judge.

5 THE COURT: Overruled.

6 A She hated him. She despised him. And she was
7 afraid of him, basically. She was very afraid of him. She
8 was so afraid that Linda and him would come to my place of
9 residence and take her away and take her back. And I said,
10 no, no, they're not going to do that. You're safe with me
11 and they can't come here. And she kind of started to relax
12 with the fact that nobody was going to bother her.

13 Q Now, during the time that Shannon was with you,
14 living with you for the time that we described, did you keep
15 a diary, a daily diary of events and goings specifically
16 directed towards keeping a record of how Shannon was doing
17 and what she was doing?

18 A Yes, I did.

19 Q And do you remember at some point the FBI coming to
20 your house?

21 A That was February.

22 Q Not when. Do you remember the FBI --

23 A Yes. The FBI came knocking on my door.

24 Q Did you give them that diary?

25 A At that time -- well, first it was the State

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1 Police, the investigators that came to my door. After that
2 it was Mr. Lyons and Terry Schultz. At that point in time,
3 yes, I did give them the diary.

4 Q Okay. I'd like to show you what's been marked
5 as -- or what I'm going to mark as Government's 113,
6 Miss Lang. Could you just take a look at that and tell me if
7 you recognize that. You can open it up if you need to.

8 A Yes. This is my diary and I wrote all these things
9 in here.

10 Q Okay. And did you write the things -- did you
11 write those things in that diary sometime around the time
12 that they're happening, either on that day or soon
13 thereafter?

14 A Yes, I did.

15 Q And the things that you wrote in your diary, did
16 you also put dates on them?

17 A Yes, I did.

18 Q And the dates that are in that diary, are those
19 dates that reflect the dates that Shannon was living with you
20 during this time between August and October of 2006?

21 A Yes.

22 Q And the things you wrote down, are they true and
23 accurate?

24 A Yes.

25 MR. LOVRIC: Your Honor, I would offer

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1 Government's 113 in evidence.

2 MISS PEEBLES: No objection.

3 MR. FISCHER: Subject to what we discussed
4 earlier, your Honor.

5 THE COURT: Yeah. The Court will receive
6 Government's 113 subject to redaction.

7 You can keep that. They'll probably ask you
8 some questions about it.

9 BY MR. LOVRIC:

10 Q Miss Lang, what I'd like to do now is, I have the
11 diary in my hand and I'd like to read certain select portions
12 and then ask you some questions, if I may.

13 A Surely.

14 Q I'm going to read from page 1, date August 22. It
15 reads as follows: "Shannon had a good night. Ate French
16 toast for breakfast. Commented," and then you have
17 quotations, "'It's good to have food to eat again.'" End of
18 quotation. "Said she did not like the landlord. He stays "
19 -- you know, I can't make this word out. Can you help me?
20 Could you ask the girls to please give me my glasses? I
21 cannot read without them. I don't think yours are going to
22 do it.

23 Q Is it a family member?

24 A Yes.

25 Q I'm sorry. This word right there.

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1 A "He stays overnight." He was supposed to stay with
2 her overnight the day her mother was taken to the hospital.
3 "Said no way was she going to stay overnight with him. Also
4 she said she had the best night's sleep she has had in a long
5 time. Seemed a little depressed this evening. Said they're
6 going to have a family night at the Y." She was going to a
7 youth camp up in Norwich with the YWCA, whatever it was. "I
8 said I would go and she asked Kelly to go with me." Kelly
9 being my other daughter-in-law. "And she said that her and
10 the girls would like to go. We watched Jaws Revenge, a
11 movie. She got very tired and went to bed at 8:00."

12 Q So this is -- this is your entry on August 22 --

13 A Yes.

14 Q -- relating to what Shannon says about Mr. Sacco?

15 A Yes.

16 Q And this is in August, so it's been how long would
17 you say that she's been at your house at this point, about?

18 A Probably one night. I think she came on the 21st
19 and I started the diary I think on the 22nd.

20 Q Okay. I'd like to now read an entry made on
21 September 10, and about halfway through the entry, Miss Lang,
22 it says the following: "Linda left messages that she was
23 very sick. Wanted us to take the dog back while she was
24 going to the hospital. The second message she left she said
25 the vet was taking the dog. We tried to call her but we got

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1 no answer. I called Lourdes Hospital to see if she was
2 there. They said no. I tried Chenango Memorial, they also
3 said she was not a patient there either. Linda is noted for
4 phony illnesses, being sick for attention. Maybe she is. We
5 will have to wait to hear from her. Shannon does not seem
6 upset." And you go on to talk about a movie that you and she
7 watch. Was Linda calling when Shannon was living with you?
8 Was she calling you?

9 A Yes. She was permitted phone calls and I had to
10 supervise the phone calls. The social worker said, okay,
11 Linda was granted visitations at one point and, yes, she did
12 call Shannon, but I had to supervise the phone calls, and
13 that was a nightmare and a half because I would be accused of
14 all sorts of things, cursed at, hollered at, accused of
15 trying to steal her daughter from her. At one point in time
16 she was so angry with me and she screamed in the phone and
17 told me to get F-U-C-K-E-D. I hung up the phone at that
18 point.

19 Next time she called, I told her, you know, this is
20 a privilege I am permitting you. This is my house, this is
21 my telephone, and if you can't respect that, I will not let
22 you call here and talk to Shannon anymore. The reason I have
23 to monitor the phone calls is because Social Services, I had
24 to do that.

25 Q And what was it that you were asked to monitor for

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1 during these conversations between Shannon --

2 A Any kind of a problem or something that, you know,
3 something secret that she would probably try to say to
4 Shannon.

5 MISS PEEBLES: Objection.

6 THE COURT: This is something that she was
7 told by some social worker?

8 THE WITNESS: Yes, your Honor.

9 MR. LOVRIC: As to why she needed to monitor
10 the phone calls.

11 THE COURT: I'll sustain the objection.

12 THE WITNESS: I was told.

13 THE COURT: Hold on a second.

14 THE WITNESS: I'm sorry.

15 THE COURT: That's okay. Mr. Lovric is
16 thinking of the next question to ask you.

17 BY MR. LOVRIC:

18 Q I'm going to go to the next question, Miss Lang.
19 In fact, from your diary, September 13, it says: "I finally
20 heard from Linda. Very nasty attitude. She says to me to go
21 get fucked." You wrote that in there.

22 A That's what I just said to you, yes, yes.

23 Q "Wants to know why I am stealing her daughter.
24 Said she would tell everyone." I'm going to ask you to read
25 this again. I'm sorry. Maybe you can read it. I'm sorry.

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1 Why don't you read September 13 for us.

2 A Okay. "I finally heard from Linda. Very nasty
3 attitude. She told me to get fucked. Wants to know why I am
4 stealing her daughter. She said she would tell everyone how
5 bad and nasty George was to me and to the children. George
6 was gone and I am not mean to Shannon. She said she would
7 have her taken away. And I am no good. I will scream, I
8 will scream -- I will screen the phone calls and not talk to
9 her anymore. I will let Shannon call her once a day. I will
10 also monitor the phone calls."

11 Q Okay. Now, was this the typical -- was this the
12 typical ongoings between you and Linda O'Connor while Shannon
13 was living with you?

14 A Yes.

15 MISS PEEBLES: I'm going to object to the
16 phrase typical.

17 THE COURT: Sustained.

18 Q Miss Lang, why don't you tell us, during the whole
19 time that Shannon was living with you, what was it like
20 getting calls from Linda O'Connor?

21 A She resented the fact that I had to monitor the
22 phone calls and she would just talk to Shannon, of course,
23 and tell her different things. You know, they would talk
24 about things they were doing, and then she would really get
25 nasty about the fact that I had Shannon. She wanted Shannon

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1 to go to someplace else and -- let's see. And the incident
2 we're talking about with the hospital, Linda was --

3 MISS PEEBLES: Objection, Judge. It's
4 nonresponsive.

5 MR. LOVRIC: I'll go to the next question,
6 Judge.

7 THE COURT: Okay.

8 BY MR. LOVRIC:

9 Q I'd like to read Miss Lang a notation on
10 September 25. Shannon -- it reads: "Shannon is still very
11 depressed and is also getting very snippy. Talks to Linda
12 every day now. She tells her about all the things she bought
13 for her and how much she misses her. Tells her about all the
14 plans she has for her when she comes home. I really think
15 she is trying to buy her back. Linda has always done things
16 like that. Never paid her bills but always got for Shannon.
17 Shannon in my opinion needs her mother's love and attention
18 and not all the material things she gives her. She also says
19 she said some things because she was mad at her mom."

20 Then she writes -- excuse me, you write: "She just
21 wanted to get even with her. Shannon never says what was not
22 true or not. She is really troubled and definitely needs
23 physical help. She is very confused about her priorities."
24 Do you remember writing that?

25 A Yes, I do.

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1 Q Okay. Now, what was going on with respect to Linda
2 and telling Shannon about these things that she's buying her?

3 A Okay. It was during visitations now that Linda was
4 permitted to have. Naomi Panus was the social worker and
5 used to take Shannon up to visit her mom, and they used to
6 meet at McDonald's and Linda would give her little gifts at
7 McDonald's and things like that. She was really trying to
8 encourage Shannon to come back to her, and at this point in
9 time I believe Shannon was missing her mother. She was
10 getting concerned. She missed her mother and she did want to
11 go back, which is a normal pattern for Shannon, you know, to
12 go back to her mother, but that's a child's thing. Your
13 mother is your mother. And so as a result, Linda used to
14 call her up and tell her, well, I bought you a beautiful
15 chair today. I paid a hundred dollars for this chair. It
16 was in the shape of a high heel with a sort of leopard skin
17 design on it. And Shannon was excited about that. I bought
18 you this, I bought you that. Then she used to send her
19 packages in the mail of new clothes, sneakers, toys, cookies,
20 all sorts of things, and she used to get a package at least
21 once a week. And like I said, I felt that Shannon needed her
22 love more than the material things, but this is the way Linda
23 was buying her back. And that really upset me. And then of
24 course -- well, ask me.

25 Q Okay.

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1 A Ask me about school.

2 Q What about school?

3 A Okay. Thank you. It seems that when she came here
4 in August, it was about two and a half weeks before school
5 started, okay. Shannon had no clothes. Nothing. No school
6 clothes. The school -- the clothes she came with were summer
7 clothes, but there was nothing for school. And I discussed
8 it with the social worker, you know, how am I going to put
9 her in school? I can't let her go like this. So Naomi was
10 able to get a voucher from Family Services so that I could
11 buy her clothes to go to school with. Sneakers, etcetera.
12 And that was fine, but the voucher wasn't going to come in
13 until about the third week of September. Oh, I borrowed \$200
14 from a family member and then I repaid them. But what upset
15 me most was the fact that she was buying her all these other
16 things and sending her nice packages of good clothes. I
17 mean, these were not cheap things that she sent her in the
18 mail, but why didn't she buy her school clothes to go to
19 school with? This poor child didn't even have a pair of
20 socks.

21 MISS PEEBLES: Objection.

22 THE COURT: Sustained to that last part.

23 BY MR. LOVRIC:

24 Q Miss Lang, did you notice what started to happen
25 with Shannon when she started to get all these gifts and all

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1 these things from Linda O'Connor?

2 A She was very happy. Her mother was buying her back
3 and Shannon loved this kind of a response from her mother.

4 Q And as a result of that did Shannon start to speak
5 to you about telling the Family Court judge to put her back
6 with her mother?

7 A Yes.

8 Q And what was -- what was that conversation like
9 with Shannon?

10 A Well, it was her law guardian. I guess she had a
11 law guardian. And she had expressed a desire to go back to
12 her mother, and of course, I was going to Family Court that
13 day and Shannon wants to go with me and I was a little leery
14 about that so I sent her to school that day but I promised
15 her I would tell the judge that Shannon had expressed a
16 desire to go back to her mother. And when we got to the
17 court, I did tell him that, and he felt that Linda was
18 complying with all the stipulations and rules that Social
19 Services has down for her, parenting classes, counseling,
20 etcetera, and he said, okay, she can go back to her mother,
21 and she was returned to her mother the same day.

22 Q Okay. Now, we've kind of leapfrogged over to
23 October of 2006.

24 A Yes.

25 Q Okay. So my question, Miss Lang, is: From the

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1 time Shannon first arrived in your custody, August 22 of
2 2006, and then a short month later, the end of September
3 2006, has her desire changed 180 degrees as far as not
4 wanting to be at the address where Mr. Sacco is now to
5 wanting to be there?

6 A Well, the judge had left specific orders that Mr.
7 Sacco was not to be present around her, have any kind of
8 contact or anything with Shannon.

9 Q Okay.

10 A And that was the condition of her going back with
11 her mother.

12 Q Okay. I guess my question is: Did Shannon's
13 entire attitude change in that one-month period?

14 A Yes. Because her mother had bought her all sorts
15 of nice things and she felt, you know, well, okay, now I'm
16 going to get my things and I'm the center of attention.
17 Linda bought her three Halloween costumes. What child needs
18 three Halloween costumes?

19 Q Miss Lang, September 26 you write the following in
20 your diary. I'll read and I'll ask you a question. "My
21 daughter Linda." Now, you have a daughter named Linda?

22 A Yes, I do.

23 Q So this is Linda your daughter you referenced?

24 A Not Linda O'Connor.

25 Q "My daughter Linda called me concerning the other

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1 night when we babysat. Shannon was on the computer,
2 downstairs in the basement. My daughter went into the
3 histories, histories. Shannon was on an X-rated adult sites.
4 She was on instant messenger adult sites. Pregnancy sites.
5 All porn sites that are very explicit about sex and sexual
6 sites. She was also into pregnancy calendars, week-by-week
7 information on baby development and body changes for pregnant
8 women. Linda," and then you have "(my daughter) and myself
9 talked to Naomi. She said she would deal with this tomorrow
10 as she was taking Shannon to see her mom on a visitation. I
11 noticed that Shannon did not have a period this month. I
12 asked her about it. Her answer was, oh, yes, I had it the
13 other day. I never tell anyone about it, only my mom." You
14 wrote that?

15 A Yes, I do.

16 Q What was it that happened at your daughter Linda's
17 house about the computer?

18 A She went on the computer and she just did all these
19 things, and my daughter went back on the computer, all these
20 things came up in her face, you know, looking at this. She
21 called me up and told me what Shannon had done and said that
22 Shannon was no longer welcome at her house, because I was
23 planning to spend the winter with my daughter.

24 Q Okay.

25 A And at that point in time if she did not go back to

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1 her mother, Shannon was going to be able to come with me. It
2 would have been the same school district, the same everything
3 but a different address. And Social Services said, that's
4 fine, no problem. But after that, Linda got concerned for
5 her own family and said Shannon was no longer welcome, and I
6 didn't want to take the chance. I knew she was having more
7 problems than I could deal with.

8 Q This is Linda your daughter saying this?

9 A Right.

10 Q Okay. And I take it that was upsetting to you?

11 A Yes. Yes. I did discuss it with Naomi. Shannon
12 did admit it to me she did that. She also admitted it to
13 Naomi.

14 Q Then on that note you write, September 27, diary
15 notation. "Naomi picked up Shannon at school for a visit
16 with her mom. She also confronted Shannon about the use of
17 the computer. At first she denied it and then started crying
18 and told the truth. Shannon knows she really caused a
19 problem now. She said she learned about it on her mom's
20 computer," and then you have "(George my husband and Linda
21 were into these sites very badly). Shannon asked me to
22 forgive her, to forgive. I have, I do love her dearly." So,
23 Shannon, when she was confronted initially, said nothing or
24 nothing happened, then broke down and began crying?

25 A Then she did admit the truth, yes.

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1 Q Were you there when this happened?

2 A Not with Naomi, but she had admitted to me and then
3 she did admit to Naomi as they were going to Norwich for
4 visitations.

5 Q When you talked to Shannon about it, did you just
6 outright come and ask her? How did that go?

7 A I approached her with it truthfully and she said
8 she was sorry and she wanted to call my daughter and
9 apologize and, you know, I said, look, it's too late. And I
10 can't deal with it. I'm going there for this winter. I have
11 to. I had just lost my husband. And we're going to have to
12 take you back to Social Services.

13 MR. LOVRIC: Just looking for something,
14 Miss Lang.

15 Q I'm going to read a notation in your diary,
16 October 1. "Today is a quiet day. I do not feel very well
17 so we decided to stay in and watch --"

18 MR. FISCHER: Can I have just one moment to
19 find the place, your Honor?

20 THE COURT: Okay.

21 BY MR. LOVRIC:

22 Q October 1, it reads: "Today's a quiet day. I do
23 not feel very well so we decided to stay in and watch TV this
24 morning. We both watched TV all afternoon. The sun is out
25 now so we will go out and clean the yard. The bear was here

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1 and made a mess of our garbage. We came in to have dinner.
2 Linda called again. She told Shannon about all the things
3 she has for Shannon. Shannon is very excited to go home.
4 Linda told her -- Linda told her to tell Naomi she wants to
5 see her mom more than once a week, also for more than an
6 hour. Linda is telling Shannon to write a letter to the
7 judge about how much she misses her mom and wants to go back
8 home now. Linda also told Shannon to tell the lawyer how
9 much she loves her mom and wants to go back home now.
10 Shannon thinks she is going home in November when I go to
11 live with my daughter. Shannon went to bed early. I made
12 her clean up her mess. She does not -- she does get
13 resentful when I tell her to do things. Will take her time
14 doing it."

15 So during those conversations on October 1 with
16 Linda O'Connor, Miss O'Connor is instructing Shannon to tell
17 the judge and these people about how she wants to tell them
18 that she wants to come back to Linda O'Connor?

19 A Yes. I did not let her write a letter to the
20 judge. I did tell the judge. I promised Shannon I would and
21 I did. And as far as the law guardian or Shannon's guardian,
22 I believe Shannon told him herself.

23 Q Okay. Now do you recall an event on approximately
24 September 29 when you and Shannon were watching a movie and
25 then Shannon went into the bedroom and you eventually

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1 followed into that bedroom?

2 A Yes, I do.

3 Q Can you describe what happened.

4 A It was a movie about an unwed mother and the father
5 of the baby didn't want any part of it and how she was
6 struggling to manage with the baby and how her parents kind
7 of resented her. It bothered Shannon. It bothered Shannon a
8 whole lot. She ran in the bedroom, slammed the door. I
9 waited a few minutes and then I went in and opened the door.
10 She had taken off all her clothes and was under the covers
11 fondling herself. And I said, what are you doing? And she
12 says, oh, I'm going to take a shower but I got cold so I went
13 under the covers. Oh, okay. Well, she came out about two
14 minutes later. She had her pajamas on. She never did take
15 her shower until the next morning.

16 Q So you caught her in some fashion or another --

17 A Fondling herself.

18 Q -- sexually masturbating?

19 A Something under the covers, yes, yes.

20 Q Did you have any conversation with Shannon as to
21 where she learned to do things like that --

22 A No.

23 Q -- what possessed her to start doing that or
24 anything like that?

25 A No. And when I spoke to Naomi the social worker

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1 about it, she says that little girls --

2 MISS PEEBLES: Objection.

3 THE COURT: Sustained.

4 Q Okay. Miss Lang, now you wrote in the diary a
5 notation about -- and this is about -- this is specifically
6 on September 29. You wrote in the diary that Shannon clings
7 to male members, male members of your family and is very
8 clingy to them. Do you recall that?

9 A Yes, I do.

10 Q Can you tell us a little bit more about that;
11 describe that.

12 A I really feel she was starved for a male figure in
13 her life. She wanted affection more than buying purposes,
14 and whenever they came she would put her arms around them and
15 hug them and tell them she loved them and things like that.
16 Yeah, yeah. She was very clingy.

17 Q When you say male members of your family, you mean
18 like your sons?

19 A Right.

20 Q I take it it was your family members, right?

21 A Yes.

22 Q Did that make your sons and the persons very
23 uncomfortable?

24 A Yes, it did, and they kind of, you know, pushed her
25 away. Said, yes, I do love you and, you know, we can do

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1 things together.

2 Q Did Shannon strike you at the time that she's with
3 you as a child who was just extremely wanting of emotional
4 and physical comfort?

5 A Yes. Yes, she did. She was very insecure.

6 Q Now, do you know a person named -- or do you know
7 of a person named Ray O'Connor?

8 A Yes. With Social Services, when I got custody of
9 Shannon, Linda had Ray O'Connor on the birth certificate as
10 the legal father. So as a result Social Services wrote to
11 him and contacted him for support for his daughter, and I
12 received letters from him saying he was not the biological
13 father of Shannon, that only Linda knows who the real father
14 is, and that he wanted a test to prove that he was not
15 Shannon's father, and they never did that.

16 Q I'd like to show you what's marked as Government
17 Exhibit 112. I just want you to take a look at it first.
18 First tell me if you know what it is, or do you recognize it?

19 A Yes. This is one of the letters that I got from
20 Ray O'Connor. There was two. I misplaced or lost the other
21 one. But yes, this is one of the letters that he wrote to
22 me.

23 Q And do you recall about when it was that you got
24 that letter from Ray O'Connor?

25 A I guess it's August -- end of August, according to

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1 the date, yeah.

2 Q Is this during the time that Shannon is living and
3 residing with you?

4 A Yes.

5 MR. LOVRIC: Your Honor, I would offer
6 Government's Exhibit 112.

7 MISS PEEBLES: Objection.

8 THE COURT: Sustained.

9 MR. LOVRIC: Can we have a side-bar, Judge?

10 THE COURT: Yes.

11 (At the bench)

12 MR. LOVRIC: This letter was talked about by
13 defense counsel with Elizabeth Chesebro, the letter from Ray
14 O'Connor to Miss Lang.

15 MISS PEEBLES: Never spoke about a letter.

16 THE COURT: I don't remember that either.

17 MISS PEEBLES: Never spoke about a letter.

18 MR. LOVRIC: From Ray O'Connor. I believe I
19 had heard mention of it.

20 MISS PEEBLES: Misheard.

21 MR. FISCHER: I recall that there was some
22 testimony about Ray O'Connor reaching out but that Shannon
23 O'Connor had not been made aware of that. That was my
24 recollection of Liz Chesebro's testimony.

25 THE COURT: Seems to me I remember something

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1 like that too.

2 MR. LOVRIC: I thought I heard mention of a
3 letter that Ray O'Connor sent.

4 THE COURT: I thought there was a
5 correspondence he may have sent to Family Court.

6 MISS PEEBLES: That's what we were talking
7 about.

8 MR. LOVRIC: I think it was both, but that's
9 my recollection.

10 THE COURT: Well, first of all, this is
11 hearsay, obviously. Now what's --

12 MISS PEEBLES: It's not even relevant.

13 THE COURT: How do you get around that?
14 What's the relevance?

15 MR. LOVRIC: It's not even relevant? It's
16 completely relevant to the entire line of questioning of Liz
17 Chesebro in Family Court and what Ray O'Connor was or wasn't
18 doing by petitioning the Family Court in the application.
19 The defense brought it up on cross and then I went back on
20 redirect and talked about Ray O'Connor's motivations and
21 depending upon when it was he was communicating with the
22 court. And it was discussed on cross for the first time
23 because I didn't ask Liz Chesebro about Ray O'Connor at all.
24 In fact, if I'm not mistaken, both defense attorneys asked
25 Liz Chesebro about Ray O'Connor and when it was he became

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1 involved in petitioning the court for any kind of parental
2 rights as far as Shannon was concerned, and then I came back
3 and talked to Liz Chesebro about that.

4 MISS PEEBLES: What it was was Shannon's
5 concern that Linda was going to choose Ray over her and
6 that's when the discussion was, and that was raised by the
7 government, and particularly about the petition and who she
8 was married to, and it was followed up by Mr. Fischer and I
9 cleaned it up after he got done on redirect regarding why he
10 was incarcerated and the reason why he didn't follow through
11 with the letter correspondence after he petitioned Family
12 Court. And this is not even relevant to the case.

13 MR. LOVRIC: I didn't bring it up. I didn't
14 bring it up on the direct of Liz Chesebro.

15 MR. FISCHER: The only reason, as I
16 understand, it's offered during any examination of Miss
17 Chesebro was to determine whether there was an effect upon
18 the hearer or recipient of the information, that is, Shannon
19 O'Connor. Not for the substantive purpose of it. I'm not
20 sure what this -- why it's relevant, frankly.

21 MISS PEEBLES: There's no reason for it. It's
22 totally irrelevant, extraneous.

23 MR. LOVRIC: I have a difficult time
24 understanding how it's relevant when the defense brings it up
25 with Miss Chesebro, not with Shannon O'Connor, because you're

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1 saying now that it's what effect it had on Shannon through
2 Liz Chesebro, but Liz Chesebro did not indicate that Shannon
3 was aware of those letters sent by Ray O'Connor.

4 THE COURT: Why is this relevant --

5 MISS PEEBLES: Exactly.

6 THE COURT: -- if it doesn't bear on Shannon's
7 state of mind?

8 MR. LOVRIC: Because it counters exactly what
9 the defense brought out that Ray O'Connor was in fact
10 petitioning and was in fact looking to get some kind of
11 parental rights and did have some kind of stake in the game.

12 THE COURT: What difference does it make that
13 Ray O'Connor was trying to get some parental rights?

14 MR. LOVRIC: I don't think it makes any
15 difference.

16 THE COURT: Neither do I.

17 MR. LOVRIC: The letter indicates it's true.

18 THE COURT: He doesn't want to pay for the
19 kid. He wants her but doesn't want her.

20 MR. LOVRIC: My request will be at some point
21 the Court tell the jury to disregard everything they've heard
22 about Ray O'Connor.

23 THE COURT: I can't do that.

24 MR. LOVRIC: The defense is saying it's
25 irrelevant.

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THE COURT: They're saying that this particular letter that's been written to Mrs. Lang in connection with her custody, in connection with money Social Services was seeking to get from Ray O'Connor is not really an issue that this jury should have to deal with, and under 403 I think it is confusing. It's like adding another dimension to this trial. But the fact -- but the fact that there may have been a concern on the part of Shannon that her mother was going to run away with Ray, that is very relevant to Shannon's mental state and other issues in the case, so you can't say lump it and throw Ray out of the case completely.

MR. LOVRIC: I agree with that.

THE COURT: That's not what you just said.

MR. LOVRIC: That's my visual reaction to the defense saying it's irrelevant. This is relevant to counter defense's claim through Liz that Shannon was concerned or affected by this letter-writing by Ray. This letter says just the opposite. Ray is not interested. Ray has no interest.

MISS PEEBLES: Shannon never even saw that letter.

MR. FISCHER: It's hearsay because it's not offered -- to offer the effect, to prove the effect upon the listener by any means. This is indeed hearsay.

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1 THE COURT: I agree with you, Kelly, he's not
2 saying that. Her mental health state is not an issue in this
3 trial. Why don't you let the opposition see the letter.

4 MR. LOVRIC: They have seen it.

5 MISS PEEBLES: I've seen it.

6 THE COURT: I think we spent way too much time
7 on this.

8 MR. LOVRIC: Okay.

9 (In open court)

10 BY MR. LOVRIC:

11 Q Miss Lang, did you -- you personally, did you ever
12 have any conversations with Shannon about Ray O'Connor?

13 A She read the letter once and she knew what it said
14 and that he denied being her father.

15 Q Okay. The letter that I just showed you, Exhibit
16 112?

17 A Yes. That one or the other one. Like I said,
18 there was two. I lost one.

19 Q Sorry?

20 A I said I lost one but she did get ahold of it and
21 read it herself.

22 Q Okay. So she read the letters that Ray O'Connor
23 sent?

24 A One of them, yes.

25 Q And the one that she read, do you know what the

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1 substance of that was?

2 A That he was not her father.

3 MISS PEEBLES: Objection.

4 THE COURT: Sustained.

5 MR. LOVRIC: Judge, I reoffer 112 for the
6 reasons we discussed, it's being offered for the same reason
7 that I indicated was brought up with Miss Chesebro,
8 especially since now it is determined that Shannon O'Connor
9 did read that letter.10 THE COURT: I couldn't tell from this witness'
11 testimony which letter Shannon read, the letter that this
12 witness misplaced or said she did and the letter that you
13 have here in court. Could you tell that.14 MR. LOVRIC: Well, I asked her, there was an
15 objection, so I'll ask her again if she can clarify.

16 THE COURT: Okay.

17 BY MR. LOVRIC:

18 Q Miss Lang, there were two letters that Mr. Ray
19 O'Connor sent?

20 A Yes.

21 Q What letter or letters did Shannon read, if you
22 know?23 A I'm not sure of which letter she read, but they
24 both contained the same material: He was not her father.

25 Q Okay. And you read both letters?

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1 A Yes, I did.

2 Q And did both letters talk about the same things?

3 A Basically, yes. He wanted a divorce from Linda.

4 MISS PEEBLES: Judge, objection.

5 THE COURT: Sustained.

6 MR. LOVRIC: Judge, with that, I'd offer
7 Exhibit 112.

8 MISS PEEBLES: Same objection.

9 THE COURT: Sustained.

10 BY MR. LOVRIC:

11 Q At any point in time did Shannon indicate to you
12 anything regarding her intentions to either want to or not
13 want to have Ray O'Connor in her life?

14 A I don't believe she even knew him so --

15 Q My question is: Did she ever tell you anything
16 about whether she wanted or did not want --

17 A No.

18 Q Did --

19 A No.

20 Q Did Shannon ever express to you any issue or
21 concern with Linda O'Connor being with Ray O'Connor?

22 A No. No. Not to my knowledge, no.

23 Q Okay. Now, Miss Lang, at some point after Shannon
24 had gone back to live with Linda O'Connor so sometime after
25 October of 2006, did you find a note in your house written by

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1 Shannon?

2 A Yes. When I returned to my trailer in April, I
3 cleaned out the room because I was going to make a den for
4 myself out of it. It was an extra room. And I had to go
5 under the bed and clean out all the little treasures that
6 children throw under the bed. And I got rid of the bed and I
7 started going through all the garbage and everything and
8 there was a scribbled little note. Now, I had that note for
9 quite a while and then I misplaced it or threw it out with
10 the Ray O'Connor letter, but it said --

11 MISS PEEBLES: Objection.

12 THE COURT: Sustained. You can't tell us what
13 it said.14 MR. LOVRIC: It's being offered for the state
15 of mind of Shannon O'Connor.

16 THE COURT: What is?

17 MR. LOVRIC: That note that she wrote. That
18 Shannon O'Connor wrote.

19 THE COURT: Note's not in evidence.

20 MR. LOVRIC: She read it. I don't have the
21 note. She just indicated she can't find the note.

22 THE COURT: How can it come into evidence?

23 MR. LOVRIC: I'm not introducing a note. I'm
24 introducing her reading the note, what it said on it.

25 MISS PEEBLES: Objection.

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MR. LOVRIC: I don't have a note to offer, Judge.

THE COURT: I hear you. So you can't offer what the witness says about the note either?

MR. LOVRIC: It's not her note, Judge. Can we just have a side-bar so I can explain to your Honor what -- the rule that I'm applying?

(At the bench)

(Jury excused)

THE COURT: Tell me.

MR. LOVRIC: This witness -- just so that I'm clear, this witness found a note written by Shannon and read it and she remembers what the note said. She thereafter has either thrown away the note or misplaced it but it's not anywhere to be found. I'm asking her what the note said and she's told me. She remembers it verbatim what the note said because it was a one-sentence note. And what was written on that note is as to Shannon O'Connor's state of mind when she was at this witness' house. I don't know how that's any different than if I had the note. She can be cross-examined as to whether she's making it up or not, but that's not the admissibility issue. If I had the note, it would be offered for the state of mind of Shannon, and I believe under the consistent rulings we've seen thus far, it would go into evidence.

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1 THE COURT: That's probably true.

2 MR. LOVRIC: The fact it's not in existence
3 simply -- it's simply an indicator -- it would be like Liz
4 Chesebro saying, well, I remember that at one point I wrote
5 down a progress note. Where is it, I don't know.

6 THE COURT: They were all produced and she was
7 cross-examined on those, the progress notes.

8 MR. LOVRIC: She testified about some things
9 she didn't write down in her progress notes.

10 MISS PEEBLES: Not stuff that she read from
11 somebody else that we didn't have access to. First of all,
12 we can't even challenge the authenticity. How can we
13 effectively cross-examine this witness? It's not fair. It's
14 inadmissible; it's double hearsay.

15 MR. LOVRIC: It's not being offered for the
16 truth. It's not hearsay. It's being offered for Shannon's
17 state of mind.

18 THE COURT: It's not hearsay. This witness
19 could be testifying to a whole lot of things that we can't
20 look at or that no one can test.

21 MR. LOVRIC: She did that when she said what
22 Shannon said to her. You admitted that. She talked about
23 Shannon told her at that time; they were not written
24 anywhere. She's testifying, and that's not being admitted
25 for hearsay. It's being admitted for state of mind of

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1 Shannon and that was admitted.

2 MR. FISCHER: May I make my objection known?
3 I have an authentication problem with that because there is
4 no evidence whatsoever that there was a note other than her
5 statement. And second, that it was written by Shannon
6 O'Connor. I have no idea where that note came from. She
7 says it came from Shannon but I don't know that. I can't
8 verify in one direction or the other whether that's --
9 whether there's any truth to that whatsoever, and that's my
10 objection.

11 MR. LOVRIC: But that's always the case with
12 anything a witness says that a person said orally. All you
13 have is their telling you this is what the person said to me.
14 The admissibility, what is it being offered for. This
15 writing that she read is not being offered for the truth of
16 what's in it but for what was Shannon's state of mind when
17 she's living with this witness.

18 MR. FISCHER: I disagree with respect to the
19 authentication issue.

20 MR. LOVRIC: I'm not offering the note.

21 THE COURT: Sometimes when you're offering
22 statements, that's one thing, and they've been coming in to
23 prove the state of mind of the person who makes the
24 statement. But here now you've got a witness testifying to a
25 writing and sometimes jurors think when things are in writing

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1 they're much more true than they are if they're not in
2 writing and the writing can't be produced. It doesn't seem
3 to satisfy the best evidence rule.

4 MR. LOVRIC: But it does when the best
5 evidence is not available; you can go to the next best
6 evidence.

7 THE COURT: That's generally true.

8 MR. LOVRIC: And the next best evidence is a
9 witness who read that note. I mean, it's not as though --

10 MR. FISCHER: But the best evidence rule where
11 the witness was the one who disposed of it, I think that
12 would go into the equation.

13 MR. LOVRIC: She threw it away accidentally.
14 She didn't dispose of it.

15 THE COURT: There's no spoliation issue.

16 MR. LOVRIC: Its clearly being offered for
17 state of mind.

18 MISS PEEBLES: I understand what you're
19 saying. We cannot cross-examine her on something we don't
20 have.

21 MR. LOVRIC: Sure you can.

22 MISS PEEBLES: We cannot. How can we test the
23 authenticity of the note?

24 MR. LOVRIC: You can ask her where she found
25 it allegedly, what did it -- how it read.

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1 MISS PEEBLES: She doesn't even know firsthand
2 who wrote the note period.

3 MR. LOVRIC: You can cross-examine her and she
4 will tell you that everything where she found it and how it
5 was found is consistent that it was Shannon's note.

6 THE COURT: Well, see if you can lay a
7 foundation for that.

8 MR. LOVRIC: Okay.

9 (In open court)

10 (Jury present)

11 THE COURT: Okay, Mr. Lovric.

12 BY MR. LOVRIC:

13 Q Miss Lang, before I forget, Shannon, when she
14 referred to you or to George Lang, how did she refer to the
15 two of you? What did she call you by?

16 A Grandma and Grandpa Lang.

17 Q And Miss Lang, before the break we were talking
18 about at some point you cleaned out the room that Shannon was
19 staying in when she stayed with you?

20 A Yes.

21 Q Okay. And was that the room that Shannon stayed
22 only when she was at your house during this --

23 A During the visit with me from August to October,
24 yes, that was the room.

25 Q Okay. And then you indicated that you found a

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1 note. Can you describe the note. What was -- what did the
2 piece of paper look like? Let me ask you that.

3 A Okay. If you can picture a piece of looseleaf
4 paper, it looks like she has just scribbled this note on the
5 bottom corner and then ripped it out and scrunched it up and
6 threw it under the bed.

7 Q Okay. Could you tell if it was her writing; could
8 you tell by looking at it?

9 A It was Shannon's writing, yes.

10 Q Okay. So from seeing her write stuff or scribble
11 stuff in books, at least, you felt it was her scribble?

12 A Yes.

13 Q Okay.

14 MR. LOVRIC: At this time, Judge, I would ask
15 to be allowed to ask the witness to tell us what that note
16 said.

17 THE COURT: Okay. Over objection of the
18 defendant.

19 Q What did the note say, Miss Lang?

20 A "I hate my mother. She used me."

21 Q Was there anything else on that note or just that?

22 A Just that.

23 Q And you seem to -- are you certain as to the
24 wording of that?

25 A Yes.

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1 Q Miss Lang, at the court proceeding where Shannon
2 was returned to the custody of Linda O'Connor, were you
3 actually present at that court proceeding or at that
4 proceeding?

5 A Yes, I was.

6 Q And were you present when the judge, the Family
7 Court judge ordered that Shannon not be allowed any
8 unsupervised contact with Dean Sacco?

9 A Yes.

10 Q And was Linda O'Connor there?

11 A Yes.

12 Q Now the final topic I want to talk about, Miss
13 Lang, at some point after your husband passed away and at
14 some point when you were cleaning out his things, what
15 happened to his computer?

16 A After he passed away I gave it to a family member.
17 I always told him, soon as you go, that computer goes because
18 I don't need it.

19 Q You told George this?

20 A George knew it.

21 Q And you got rid of the computer?

22 A Yes.

23 Q Do you know what became of it after you got it to
24 this family member?

25 A They took it, they used it very briefly, and then I

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1 think it crashed or broke or something like that. And they
2 set the tower out on the back porch and it remained there for
3 the longest time.

4 Q Okay. So the computer pretty much was done soon
5 after you gave it to them?

6 A Yes.

7 Q Do you recall then at some point the State Police
8 coming to your house and asking about that computer?

9 A Yes.

10 Q And did you tell them where they could go, at least
11 from where you knew, to get that computer?

12 A Yes. I called my daughter-in-law and they went up
13 and took the computer.

14 Q Okay. That was out on the back porch?

15 A That was out on the back porch.

16 Q Okay. And did you -- did you ever know exactly all
17 the things that were on that computer? Did you ever have
18 knowledge of that?

19 A No.

20 Q I know you told us you don't know computers, but
21 did George ever go in and show you everything that was on the
22 computer?

23 A The only thing he did show me was he had I think a
24 file for me and it had pictures of my grandchildren, my
25 family members, etcetera, like that. Other than that, I had

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1 no interest in it.

2 Q Okay. Did he have other files that he didn't show
3 you?

4 A Yes, he did.

5 Q When you looked at this, could you tell what was in
6 those other files?

7 A No. He never opened them up and I never asked him
8 to.

9 Q Okay.

10 MR. LOVRIC: That's all the questions I have,
11 Judge.

12 THE COURT: Okay. Mr. Fischer.

13 MR. FISCHER: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. FISCHER:

16 Q Miss Lang, my name is Kelly Fischer. I represent
17 Mr. Sacco.

18 A Okay.

19 Q You described an incident when Shannon came out of
20 the room in the morning and said that she had been up all
21 night, something about Georgie Boy. Do you remember that?

22 A Yes, I do.

23 Q When was that event?

24 A Wow.

25 Q Let me try to help. Was it before the flood?

1 A Yeah. It had to be right around December, before
2 the end of '05, right around in there sometime because he did
3 give it to her before Christmas, so I'm saying way up there.

4 Q So when you said when he did give it to her before
5 Christmas, you mean that George gave the adult sex toy to
6 Linda before Christmas of 2005, am I correct?

7 A Yes.

8 Q Why did you keep a diary?

9 A Because of the fact that my girlfriend had foster
10 children that she takes care of and I was planning to keep
11 Shannon, and as a result, she advised me to keep records day
12 by day because Social Services would want to know what this
13 child was doing, what I was doing, and I followed her advice.

14 Q And the first day that you had Shannon at your
15 house, was that August 21, 2006, am I correct?

16 A Yes. That was sometime during the day. I think it
17 was late in the afternoon when she finally showed up.

18 Q And she stayed overnight?

19 A She stayed with me until October.

20 Q And on August 22 then, when Shannon came down, you
21 had a discussion with Shannon at that time?

22 A About what?

23 Q She slept well, best night sleep she's had in a
24 while?

25 A Yes, yes.

Renee Lang - Cross

1312

1 Q And you noted that it was the best night's sleep
2 she had in a while, you noted that in your diary, is that
3 correct?

4 A That's what she told me.

5 Q That was important to know?

6 A Yes.

7 Q At that time she also said to you, as I understand
8 your testimony, that if she had to go back to where the
9 landlord lives she'd commit suicide, is that correct?

10 A She would either run away or kill herself sooner
11 than stay with him, yes.

12 Q But you didn't say that in your diary at that time
13 on August 22 now, did you?

14 A I don't recall, but that's what she told me.

15 Q Ma'am, I'll show you your diary, Exhibit 113. Read
16 yourself that entry for August 22, if you would, please.

17 A Okay.

18 That was the first day she was there. She said she
19 did not like the landlord. He stays overnight.

20 Q My question is, before you begin testifying -- may
21 I interrupt you please?

22 A Yes.

23 Q You had an opportunity to read that whole night to
24 yourself?

25 A Yes.

Renee Lang - Cross

1313

1 Q My question to you is this: You didn't record in
2 your diary what you told this jury about Shannon saying she
3 would kill herself?

4 A But she did -- I didn't record it, but yes, those
5 were her words, she would sooner run away or kill herself
6 sooner than stay with him.

7 Q We're clear, that's not what you put in the diary.

8 A I eliminated that from the diary.

9 Q Intentionally?

10 A No. It was just an oversight.

11 Q At some point during your direct testimony from Mr.
12 Lovric you mentioned that -- I withdraw that. You were in
13 contact on August 21 and August 22 when Shannon first came
14 over with a woman from DSS named Linda Panus, correct?

15 A Naomi Panus.

16 Q I'm sorry, Naomi Panus. Apologize. Did you speak
17 with Naomi Panus on August 22 or 23, to your recollection,
18 about Shannon expressing the potential that she would make a
19 suicide attempt?

20 A I don't believe I did, but I told her she was very
21 emotional and she was very, very depressed, and we did point
22 out the fact that she was harming herself on her arms. She
23 was slicing herself. She was that emotional. And to me,
24 that was kind of an expression of trying to harm herself.

25 Q But did you tell Naomi Panus about Shannon saying

Renee Lang - Cross

1314

1 she was going to kill herself; yes or no?

2 A No. No.

3 Q Thank you. Now, when you testified earlier, you
4 said that on that August 22 occasion, that Shannon said that
5 the landlord was a pervert. Do you remember saying that?

6 A Yes.

7 Q But you didn't say that in your diary, did you?

8 A No.

9 Q All right. And on January 9 of 2008, about four
10 months ago, a State Police investigator came to your home and
11 interviewed you?

12 A Yes.

13 Q And you didn't mention anything to the State Police
14 investigator at that time about this comment concerning Mr.
15 Sacco being a pervert, did you, ma'am?

16 A No. Maybe I didn't express that word but I did
17 express her feelings toward him. She hated him. She
18 despised him. She was terrified of him.

19 Q And you said that to the investigator January 9,
20 2008?

21 A Yep.

22 Q Is it correct that Mr. Lyons came to see you on
23 March 3 of this year, about a little over two months ago?

24 A Yeah. That's probably about the right time, yes.

25 Q Do you recognize Mr. Lyons here?

Renee Lang - Cross

1315

1 A Yes, I do. He came in with Mr. Shultz.

2 Q And on that March 3 -- as a result of that March 3,
3 2008 visit with Mr. Lyons, that is where you expressed to
4 Mr. Lyons what Shannon had said to you about the landlord
5 being a pervert, am I correct?

6 A Yes. She did not like that man.

7 Q In your direct testimony -- withdraw that. You did
8 not like Linda O'Connor?

9 A We had differences and, yes, at that point in time
10 we had broken off our relationship completely.

11 Q With respect to Shannon accessing pornographic
12 sites, do you remember that event?

13 A Yes.

14 Q Shannon also showed those -- showed pornography to
15 your 4- and 6-year-old grandchildren, am I correct?

16 A I don't believe she showed it to them directly, but
17 they were there.

18 Q Did Shannon expose some of the sites to your
19 grandchildren, 6 and 4 years old?

20 A I do not know. I was not there. I was not
21 present.

22 Q Would you go to your diary -- withdraw that. Do
23 you remember writing in your diary: "Shannon did expose some
24 of the sites to my grandchildren"?

25 A They were in the room with her, yes. Yes. I don't

Renee Lang - Cross

1316

1 think she directly showed it to them, but they were present
2 when she was on the computer. Yeah.

3 Q And that is what you wrote here in your diary, that
4 Shannon exposed them, am I correct?

5 A Yes. She exposed them to it. They could have seen
6 it, they could have looked at it. They were in the same room
7 all together.

8 MR. FISCHER: Those are all the questions.
9 Thank you.

10 THE COURT: Miss Peebles.

11 CROSS-EXAMINATION

12 BY MISS PEEBLES:

13 Q Good afternoon, Mrs. Lang.

14 A Good afternoon.

15 Q We've met before.

16 A Yes, we have.

17 Q We've sat, myself and my investigator, we sat and
18 had coffee with you one afternoon, is that correct?

19 A Yes.

20 Q And you talked to us at length about this case, is
21 that fair to say?

22 A Yeah. We discussed all the issues.

23 Q And you never mentioned anything about going over
24 to Linda's while she's sitting in the house naked; you never
25 told us that, correct?

Renee Lang - Cross

1317

1 A I don't know, but I don't know why I wouldn't have.
2 It happened.

3 Q But you never told us that, did you?

4 A I don't recall.

5 Q Well, you met with the FBI and they did a lengthy
6 interview with you as well, do you recall that?

7 A Yes, I do, and I think I did mention it to them. I
8 don't know why I did not mention it to you.

9 Q Mrs. Lang, I'm going to hand you what's been marked
10 as Defense Exhibit O-35, ask you if you can identify that
11 document. Can you?

12 A O-35. This whole page, right?

13 Q Yes.

14 A Okay.

15 Q Now, I'd like you to look through that, to
16 yourself, and when you're done, I want to ask you a couple of
17 questions about whether or not you told the FBI you ever
18 walked in Linda O'Connor's house --

19 MR. LOVRIC: Objection.

20 THE COURT: What's the basis for that?

21 MR. LOVRIC: It's not a statement of the
22 witness, your Honor.

23 THE COURT: She hasn't finished the question
24 yet.

25 MISS PEEBLES: I'm asking her to refresh her

Renee Lang - Cross

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1 recollection after she -- during the course of the interview
2 that she had with the FBI agent she didn't recall whether she
3 told them anything about what she's testified here in the
4 courtroom today, and I want to see whether that refreshes her
5 recollection.

6 THE COURT: I thought it was just the
7 opposite. I thought she remembered telling the FBI --

8 THE WITNESS: Yes, I did.

9 THE COURT: Wait a second. I shouldn't be
10 getting into this either.

11 THE WITNESS: Sorry.

12 THE COURT: -- telling the FBI, she did tell
13 them. She couldn't be sure whether or not she told you.
14 Maybe she just didn't tell you.

15 MISS PEEBLES: Well, your Honor, I'd like this
16 witness to read through that exhibit and then see if she's
17 going to change her testimony about whether or not she
18 actually saw Linda O'Connor naked in her house.

19 MR. LOVRIC: And I object.

20 THE COURT: No, she can show her an
21 out-of-court document to attempt to impeach her on that
22 issue.

23 MR. LOVRIC: It's not a statement of this
24 witness, Judge. I object.

25 THE COURT: I don't know what it is. I

Renee Lang - Cross

1319

1 haven't seen it, Mr. Lovric.

2 MR. LOVRIC: I know what it is. Can we go to
3 side-bar? I don't want to argue law in front of the jury.

4 (At the bench)

5 THE COURT: You can't impeach her with a 302.

6 MR. LOVRIC: I did.

7 THE COURT: You didn't tell me that.

8 MR. LOVRIC: I didn't want to say in front of
9 the jury what it is. My objection is, it's an FBI agent's
10 302 which she has never been shown ever and it's not her
11 statement, it's not Jencks as to her. You'd have to
12 cross-examine the FBI agent whether he wrote it or not. It's
13 not her statement.

14 THE COURT: That's true. That's right.

15 MISS PEEBLES: I withdraw the question.

16 THE COURT: Okay.

17 (In open court)

18 BY MISS PEEBLES:

19 Q Mrs. Lang, didn't you tell Investigator Haumann
20 when we got done speaking, now you know everything that I
21 know? Didn't you say that?

22 A Yes, I did.

23 Q But you never mentioned that detail, is that your
24 testimony?

25 A It was just probably an oversight. I was very

Renee Lang - Cross

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1 upset that day, unprepared for your visit, but if I'd thought
2 about it I would have told him, because it's a fact.

3 Q Now, Mrs. Lang, I want to talk about your husband
4 George.

5 A George Lang, Sr.

6 Q George Lang, Sr., correct?

7 A Correct.

8 Q He passed away in July of 2006?

9 A Yes, he did.

10 Q And he had cancer?

11 A Yes, he did.

12 Q When did he first develop cancer?

13 A Sometime in the early part of 2005 because we had
14 undergone six months of chemotherapy, then he had two months
15 off -- no, it had to be 2004, because we had gone through
16 chemotherapy in December, he had gotten two months off from
17 the chemo, and we went back in February and we found out that
18 the cancer spread to his brain. And at that point in time he
19 had to go through radiation treatments.

20 Q And that was --

21 A That was in 2006.

22 Q February of 2006?

23 A Yeah. We had six weeks of radiation, yes.

24 Q So he was going through radiation from February of
25 2006 up until when?

Renee Lang - Cross

1321

1 A Six weeks.

2 Q And after the radiation, what kind of medical
3 treatment was he receiving?

4 A He was in very, very, very bad shape at that point
5 in time. Oncology recommended hospice because there was no
6 future.

7 Q And did hospice come in and assist you?

8 A Yes.

9 Q Do you recall when that was?

10 A That was in -- okay. Let me see. Probably around
11 the beginning of July, just before he passed away.

12 Q Did there come a time where you were unable to care
13 for your husband because the cancer had gone to his brain?

14 A Yes.

15 Q And when was that?

16 A That was in July.

17 Q Did there come a time when you ever moved in with
18 your daughter because it became difficult for you to care for
19 your husband because of his state?

20 A No. No.

21 Q Were you his primary caretaker when he was sick?

22 A Yes.

23 Q Were you taking care of him when he was going
24 through the chemotherapy?

25 A Yes.

Renee Lang - Cross

1322

1 Q And what did the chemotherapy -- what kind of
2 effect did the chemotherapy have on your husband when he was
3 undergoing the treatment?

4 A He used to get a lot of pain, a lot of nausea, a
5 lot of headaches. He was very, very tired and he would get
6 forgetful.

7 Q Now, you know -- what kinds of medications was your
8 husband taking at that time?

9 A Well, I honestly don't remember all the
10 medications, but I know he was on Vicodin and they did
11 eventually put him on morphine.

12 Q Do you know when they put him on morphine?

13 A That had to be right around the flood time. Maybe
14 even before.

15 Q Now, you're aware of the allegations that Shannon
16 O'Connor has made against your husband?

17 A Yes.

18 Q What was your husband's nickname when he was alive?

19 A George.

20 Q Did anyone refer to him as Captain Hook?

21 A Yes. Me.

22 Q Okay. What was that in reference to?

23 A It was in reference to the fact that since he got
24 cancer, even before he had cancer, his little package no
25 longer could stand at attention. It would just (indicating)

Renee Lang - Cross

1323

1 be limp.

2 Q Can you give me a time period during which George,
3 Sr. had difficulty getting an erection?

4 A That was before the cancer and before the chemo,
5 but during the chemo, everything stopped. Even the medicine
6 he took said it would prevent him from having an erection.

7 Q Given your husband's physical state, is it possible
8 that he could have sexually abused Shannon in the way that
9 she --

10 MR. LOVRIC: Objection.

11 THE COURT: Sustained.

12 Q Your husband never owned a digital camera, true?

13 A No. He never did.

14 Q And Linda never owned a digital camera, correct?

15 A I don't know. I don't think so, but I don't
16 honestly know.

17 Q Did you ever -- did you ever see Linda with a
18 digital camera?

19 A She had a camera. I don't know whether it was
20 digital or whatever it was.

21 Q Was it a disposable camera?

22 A No, I don't think it was. I think it was a regular
23 camera. I could be wrong.

24 Q Did you tell myself and Investigator Haumann when
25 you sat with us you've never seen Linda use a digital camera?

Renee Lang - Cross

1324

1 Did you tell us that?

2 A Yeah.

3 Q I want to talk a little bit about Reverend Kathy
4 Myrick. She's a friend of yours, isn't she?

5 A She's the pastor of my church.

6 Q You're pretty close?

7 A Yes.

8 Q You guys talk a lot?

9 A I counsel with her from time to time, yes.

10 Q And you've talked to her recently?

11 A No. She's been very, very busy right now but -- I
12 haven't talked to her recently as far as counseling or
13 anything like that.

14 Q Have you talked to her at all about this case?

15 A She knows what I was going through, yes. Yes.

16 Q And she talked to you about this case, correct?

17 A Yes. Yes.

18 Q Now, it's common knowledge, is it not, that Linda
19 routinely would spend money on Shannon that she didn't have,
20 is that fair to say?

21 A Yes. Yes.

22 Q In fact, if Shannon wanted something, Linda bought
23 it for her, correct?

24 A In most cases, yes.

25 Q And if Shannon asked for a puppy, Linda would buy

Renee Lang - Cross

1325

1 her a puppy, correct?

2 A Well, she did, yes.

3 Q And after the flood you knew that Mrs. O'Connor had
4 received over five thousand dollars from FEMA; you were aware
5 of that, correct?

6 A I was told indirectly that she did get a lot of
7 money, yes.

8 Q You and Linda haven't been on good terms for a
9 while, is that fair to say?

10 A That's correct.

11 Q In fact, at this point you don't have much use for
12 Mrs. O'Connor, is that correct?

13 A It isn't that I don't have much use for her. I
14 have just disconnected her from myself. She stays here and I
15 stay here. After she moved to Norwich I had no contact with
16 her.

17 Q I want to talk to you about one of your diary
18 entries, the last one that you -- one of the last ones that
19 you made regarding Shannon staying with you. You state that:
20 "Today was a slow day for Shannon. She was angry about the
21 fact that she couldn't go to Linda's so she couldn't get over
22 the computer incident. Linda had to watch the neighbor's
23 kids. Shannon still wanted me to pick her up. I told her it
24 was not necessary, she could come home on the bus. Linda,
25 her mother, sent her some Burger King coupons. I did take

Renee Lang - Cross

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1 her to Sidney so we could use the coupons. All Shannon kept
2 saying, those are my mom's and I will keep them. They closed
3 Burger King in Sidney. We ate at McDonald's. We got in an
4 argument over the band. She took the flute. Shannon hardly
5 ever practices the instrument. Today Shannon announced she
6 was giving up the flute. The teacher said she should
7 practice the blowing of the flute. Now he is teaching the
8 class music. She said she is just going to quit. I said,
9 no, you started it, you finish it. She said, no, I won't. I
10 said, oh, yes, you never even tried to learn it. Well, just
11 write me a note so I can quit. You need parent's permission
12 to quit. I told her no, I would not do it. Her answer was,
13 it doesn't matter, I will tell Naomi to write me a note. I
14 told her to clean her room. She left cat litter bags in the
15 room. I told her and told her, so finally I took the garbage
16 out of the room. They had maggots in the bags. When I came
17 home, I told her to clean that room. She walked away and
18 slammed the door." That was your last journal entry,
19 correct?

20 A Yes.

21 Q By that time you couldn't -- you didn't have any
22 control over what Shannon was doing, is that fair to say?

23 A I had control but she was really, really fighting
24 me back -- really getting snippy. It started to be an
25 argumentative situation.

Renee Lang - Cross

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1 Q In fact, if Shannon didn't want to do something,
2 she just wouldn't do it, isn't that fair to say?

3 A That's correct. She hated orders.

4 Q And she didn't particularly care for orders coming
5 from her mother either, is that fair to say?

6 A Very true.

7 Q In fact, Mrs. O'Connor didn't have much control
8 over Shannon, and that was one of the problems between the
9 two of them, is that fair to say?

10 A That could be, yeah. Yeah.

11 Q Is it also fair to say that Linda really wasn't
12 equipped to handle Shannon during certain outbursts that she
13 was having, is that fair to say?

14 A Linda could have handled it, but I think she just
15 gave in to Shannon sooner than argue with her.

16 MISS PEEBLES: Thank you, Mrs. Lang. Nothing
17 further.

18 THE COURT: Mr. Lovric.

19 MR. LOVRIC: Two questions.

20 REDIRECT EXAMINATION

21 BY MR. LOVRIC:

22 Q The incident that you described with Linda O'Connor
23 and Shannon being naked, did that happen?

24 A Yes.

25 MISS PEEBLES: Objection, Judge.

1328
Renee Lang - Redirect

1 A Yes, it did.

2 THE COURT: Well you crossed her on that issue
3 so, redirect.

4 MISS PEEBLES: It was asked and answered.

5 THE COURT: Pretty much.

6 MR. LOVRIC: It's been asked and answered
7 quite a bit, so I'll move on to my second question:

8 BY MR. LOVRIC:

9 Q Do you know what Linda O'Connor did with that five
10 thousand dollars that she got from FEMA for the flood?

11 A I have no idea.

12 MR. LOVRIC: Okay. Thank you.

13 THE COURT: Mr. Fischer?

14 MR. FISCHER: No questions.

15 THE COURT: Miss Peebles?

16 MISS PEEBLES: Nothing, Judge.

17 THE COURT: Okay. Thank you very much, Miss
18 Lang. You may step down, ma'am.

19 (Witness excused)

20 (Meeting at the bench off the record)

21 THE COURT: Okay, ladies and gentlemen. I
22 think we're going to finish up early today; now, as a matter
23 of fact. I guess you're all disappointed, I can see. You're
24 going to have to bear with me. I'm going to change a little
25 bit. I won't be here tomorrow, but Monday, instead of 1:30

Renee Lang - Redirect

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1 we're going to start at 2:00, so it will be a very short day.

2 I have to be here at 2 then.

3 So, let me remind you not to discuss the case
4 among yourselves, with anybody else or permit anyone to
5 discuss it with you. We'll see you Monday afternoon at 2 PM.
6 No media and no investigation or research. No Google.

7 Court stands adjourned. Hope you have a nice
8 weekend.

9 (Court stands adjourned)

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C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

VICKY A. THELEMAN, RPR, CRR
United States Court Reporter
US District Court - NDNY

Dated: August 15, 2008.